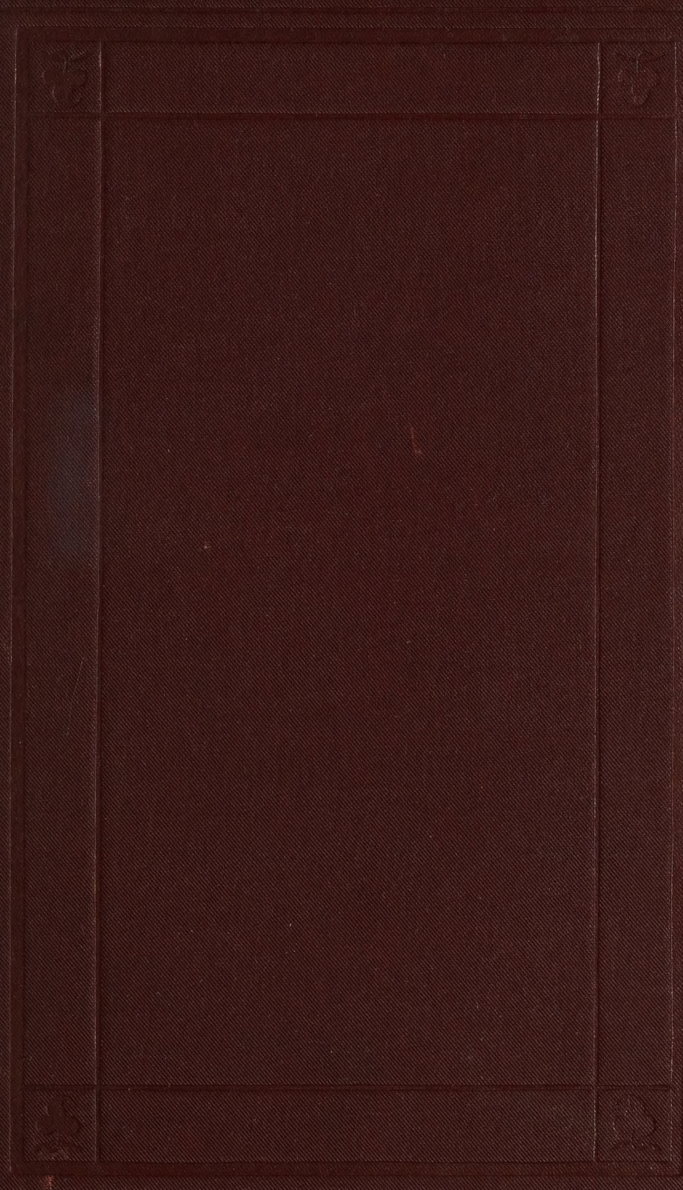

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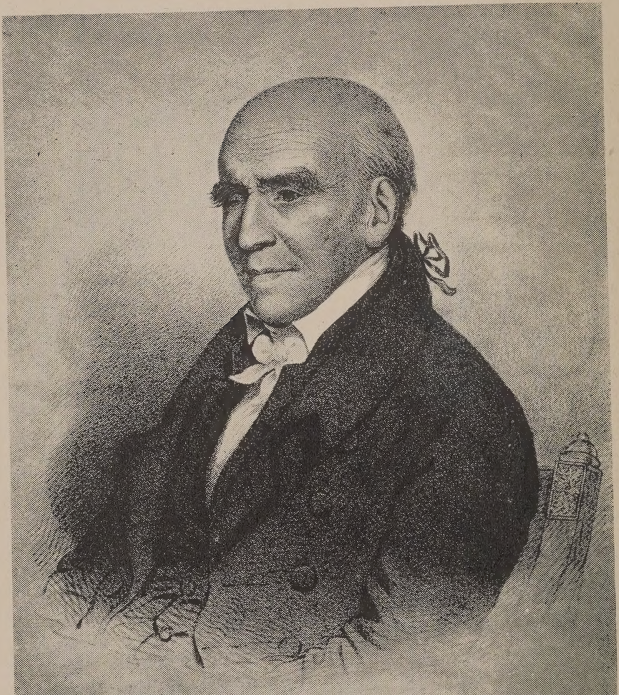
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Votre tres humble Serviteur
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GIRARD'S WILL

AND

GIRARD COLLEGE THEOLOGY.

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BY

RICHARD B. WESTBROOK, D.D., LL.D.,

AUTHOR OF "MARRIAGE AND DIVORCE," "THE BIBLE—WHENCE AND WHAT?" "MAN—WHENCE AND WHITHER?" ETC.

"I will get me unto the great men, and will speak unto them."—JER. 5:5.

"Great men are not always wise, neither do the aged understand judgment."—JOB 32:9.

PUBLISHED BY THE AUTHOR,
No. 1707 OXFORD STREET,
PHILADELPHIA
1888.

DEDICATION.

TO

"THE MAYOR, ALDERMEN, AND CITIZENS OF
PHILADELPHIA, THEIR SUCCESSORS
AND ASSIGNS, IN TRUST,"

THIS LITTLE BOOK IS

RESPECTFULLY DEDICATED

BY THEIR FELLOW-CITIZEN,

THE AUTHOR.

Copyright, 1888, by Richard Brodhead Westbrook.

PREFACE.

THE publication of this book is a matter of *conscience*. The author, as a theologist and lawyer, thoroughly believes that the present system of religious instruction in Girard College is in palpable violation of the conditions of the Will of the Founder, and not well adapted to promote "the purest principles of morality." If the present policy is not soon discontinued or greatly changed, the citizens of Philadelphia should appeal to the courts to judicially enforce conformity to the conditions upon which this great charity was intended to be founded.

The best interests of morality and religion require the strictest adherence to the provisions of a *trust.* Fiduciary unfaithfulness in public affairs is now the one great source of peril to the free institutions of our country, and all moralists and patriots should unite in cherishing that "eternal vigilance" which is "the price of liberty."

The chapters which make up this book were originally delivered, in substance, as popular lectures in the last spring course of *The Westbrook Free Lectureship* in the hall of our City Institute, and attracted considerable public attention at that time. The lectures were delivered before different audiences and hence certain points were purposely repeated.

In the warmth of public oral discussion, partly extemporaneous, expressions less temperate and guarded may sometimes have been used than might have been considered in good taste under less exciting circumstances. For the individual members of the Board of Directors of City Trusts the Author has the highest respect. That they have greatly erred he is profoundly convinced, but whether through indifference and neglect or through a mistaken zeal for the Church, it is not his province to judge. Is it a fact that a great breach of trust has been committed?

As a *citizen* of Philadelphia, and therefore as one to whose watchful care, in connection with his fellow-citizens, Girard committed in part this trust, the Author solemnly protests against the teaching of sectarian "religious tenets," as now practised in the College chapel.

Let it not be suspected from anything in this book that the Author is unfriendly to the Bible or to Christianity. He believes that their greatest enemies are those who unwittingly claim for them what they are not. There is no legal reason why the *morality* of Christianity should not be taught in Girard College, as found in the New Testament as well as in other and more ancient writings; but this is a very different matter from the "religious tenets," downright *sectarian dogmas*, which abound in the *Manual for the Chapel* in use since 1883. Neither let it be thought that the Author fails to appreciate the great and good work the College is accomplishing, or that he would hinder its progress. He desires its greater usefulness, and believes that this largely depends upon a conscientious adherence to the conditions of Girard's Will.

The Author hereby acknowledges the courtesy of the honored President of Girard College, A. H. Fetterolf, Ph. D., and disclaims any intention to reflect upon his administration, or upon the faithfulness of his associate professors, or upon the teachers employed in the schools.

For the principal facts in the history of Mr. Girard the Author is indebted mainly to *The Life and Character of Stephen Girard*, by HENRY ATLEE INGRAM, LL.B. The portrait is an excellent one, copied from an original lithographic likeness by the *Levytype Company* (S. E. corner of Chestnut and Seventh streets, Philadelphia) by their patented *Autoglyphic Process*.

R. B. WESTBROOK.

NO. 1707 OXFORD STREET,
Philadelphia, 1887.

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GIRARD'S WILL

AND

GIRARD COLLEGE THEOLOGY.

I.

THE CASE STATED.

THE material body of STEPHEN GIRARD has been reposing in the tomb for nearly threescore years. He departed this life in 1831, in the eighty-second year of his age. There is probably no surname so frequently pronounced every day in this city of "brotherly love" as that of Girard, chiefly in connection with the institutions he founded. He was born near Bordeaux in France in 1750, lost one of his eyes by accident when nine years of age, and left his father's home at the age of fourteen as "cabin-boy" on a trading vessel. He finally settled in Philadelphia, and became an American citizen by taking the oath of allegiance at the age of twenty-eight years. In 1777 he married Mary Lum of Philadelphia, who thirteen years after became hopelessly insane. A daughter was born to them, who soon died, the mother surviving until 1815, having passed a painless mental blank of twenty-five years' duration. He did not marry again. In 1830 he executed his last Will and Testament. Mr. Girard showed his patriotism and general benevolence by numerous large bequests, but this paper relates especially to his testamentary provision for establishing an orphans' home and school. To this charity he gave $2,000,000 (besides forty-five acres of land where the College now stands) and the residue of a certain portion of his estate, which has proved more valuable than the most sanguine could have hoped, so that Girard College has an ample endowment and money to spare. The present annual income of the College may be estimated at more than $500,000.* The College building was commenced in 1833, and constructed, in part, according to the minute directions of the testator, and completed in 1847 at an expense of $1,933,821.78, delays having been occasioned by litigation and other causes.† Besides the main College hall, there are now nearly a score of auxiliary buildings and a beautiful church edifice or chapel on the grounds.

In making the bequest for the College Mr. Girard says in his Will:

> "I have been for a long time impressed with the importance of educating the poor and of placing them, by the early cultivation of their minds and

---

* The Girard College Estate is put down in the Report for 1886 at $10,684,580.22, but the superintendent assures me that it is worth $20,000,000.

† The last annual report estimates the cost of the College grounds and buildings at $3,150,000, at present said to be worth $10,000,000.

the development of their moral principles, above the many temptations to which, through poverty and ignorance, they are exposed; and I am particularly desirous to provide for such a number of poor male white orphan children as can be trained in one institution a better education, as well as a more comfortable maintenance, than they usually receive from the public funds."

It is evident from the above that this most praiseworthy purpose was not of recent origin.

An attempt was made to break Girard's Will, and in 1843 a case on appeal, in the Supreme Court of the United States, was argued, but the judges, for various reasons, ordered a reargument, which was heard at the January term, 1844. Mr. Jones and Daniel Webster appeared for the complainants, and Horace Binney and John Sergeant for the city and executors.

It is only on questions growing out of the requirements and restrictions, as conditions of Mr. Girard's bequest to the

College for orphans, that we now have anything to do.

It may help us in our examination of Girard's Will to inquire into his religious antecedents and predilections. He was born and baptized in the Roman Catholic Church. He had his only child baptized at her birth—whether by a Catholic or Protestant priest the writer is not informed. He was married by a Protestant minister in an Episcopal church. He is said to have paid at one time for a pew in a Catholic church. He gave money liberally to build houses of worship for all the different religious sects. He was known to have great admiration for the religious principles and customs of the Society of Friends, commonly called Quakers. His body was buried in the vault of a relative in a Roman Catholic graveyard without ecclesiastical rites, after the manner of Friends, the same ceremony, or rather absence of ceremony, having characterized the burial of his wife sixteen years before. There is no evidence that he was an Atheist, or even a Deist. It is easy and common to brand a man an *infidel* who does not accept the *dominant* religion. If we attach the primary meaning to the word infidelity—"unfaithfulness to a trust"—Stephen Girard was *not* an *infidel.* If he had articles of religious faith, he never published them, neither did he publish his unbelief if he were an unbeliever. Four of his ships were named respectively "*Voltaire*," "*Helvetius*," "*Montesquieu*," and "*Rousseau*," and the writings of some of these French Freethinkers were found in Girard's library. It is a noteworthy coincidence that Montesquieu wrote a work when he was only twenty years old, more than a century ago, to prove just what our Andover professors of theology are now arraigned for teaching—viz. that "*all pagans do not merit eternal damnation*." This is a very suggestive coincidence. What Girard believed as to religious dogmas and institutions he never published. He certainly was neither a Roman Catholic nor an orthodox Protestant. That he was a good citizen of excellent *moral* character is well established. He showed special sympathy with poor boys, and expressly indicated his faith in *natural religion and morality.* He relied upon the early cultivation of the minds of the poor orphans and the "*development* of their *moral* principles" to place them above the temptations of poverty and ignorance. He had faith in *human nature.* He could not have believed in *total* depravity.

Girard had great faith in what "evangelicals" contemn as "*mere morality.*" He required that the instructors and teachers in the College should be not only persons of tried skill, but also of "established moral character." He further required that "all the instructors and teachers in the College should take pains to instill into the minds of the scholars the *purest principles of morality*." He always insisted upon the highest morality in his trusted agents and employés, and he practised it himself. He was never charged with *immorality*.

That Girard was himself a true patriot and philanthropist he has proved by numerous acts. He loaned large sums of money to the United States Government in 1814, when general distrust prevailed, and also to Pennsylvania in 1829, on the sole credit of Governor Schultz, to save the State from threatened bankruptcy. In this connection should be kept in mind his magnificent bequests to Philadelphia and the State of Pennsylvania, besides his other liberal gifts to numerous charitable institutions.

But Girard specially showed his true *practical religion* in 1793, when the yellow fever scourged Philadelphia—when out of a population of less than twenty-five thousand who remained in the city, over four thousand deaths occurred between August 1st and November 9th. Girard was then a ministering angel among the fever-smitten poor in humble private houses and in Bushhill Hospital, in which he served for sixty days as a common nurse, often performing the most menial and disgusting service. He was at one time seen carrying in his arms a sick man heavier than himself from a humble cottage, with the burning cheek of the yellow-fever victim resting against his, to convey him to the hospital in his vehicle. In 1797 and 1798 the city was again scourged by yellow fever, and in both years Girard again took the lead in relieving the poor sufferers by personal service and large gifts of money, not thinking of his own life. If this was not the spirit of true religion, what was it? (James 1–27.)

After these preliminaries, which might be greatly enlarged, the way is open to consider the main question in hand—to wit, *whether the well-known system of theology at present taught in Girard College is consonant with Girard's Will?*

The principal objection to the Will in the attempt to break it is thus stated by Judge Story of the United States Supreme Court:

> "That the foundation of the College upon the principles and exclusions prescribed by the testator is derogatory and hostile to the Christian religion, and so is void, as being against the common law and public policy of Pennsylvania; and this for two reasons: *first*, because of the exclusion of all ecclesiastics, missionaries, and ministers of any sect from holding or exercising any station or duty in the College, or even visiting the same; and *secondly*, because it limits the instruction to be given to the scholars to pure morality and general benevolence and a love of truth, sobriety, and industry, thereby excluding by implication all instruction in the Christian religion."

It is sufficient here to say that this objection was unanimously overruled by the court, and the Will was sustained. It would not be possible, if expedient, in this paper to review the arguments of counsel for and against the Will, or the opinion of the court, though in the judgment of the writer there are many things in the arguments on both sides, as well as suggestions in the opinion of the court, open to just criticism. There are statements not sustained by the "logic of history," and certain principles are affirmed or suggested which the increased knowledge of more than four decades has shown to be unsound. If the Girard Will case could be tried in the Supreme Court of the United States to-day, the same judgment would be rendered, but certain assumptions and concessions would not be made.

But what was judicially settled by the Supreme Court in this notable case?

That there was no legal reason for breaking Girard's Will, and that the testator intended that while the purest principles of morality should be taught by laymen, sectarian religious tenets should be excluded from the College. Certain suggestions in the "opinion" given by the Chief Justice will be examined later.

Now, let us candidly inquire how far the conditions of Girard's Will have been carried out by those into whose hands this *sacred trust* has fallen.

The first thing that strikes our attention as we look over the College grounds is an imposing church edifice, called a chapel, of most elaborate and approved style of *ecclesiastical* architecture. It was doubtless desirable that the College should have a place where all the students could be assembled, but why should this building have such a marked *ritualistic* form, and thus suggest "High-Church" proclivities? Would it not have been more appropriate to follow the style of the main College building, selected by Girard himself?

We enter this temple and find in the pews a book entitled

A
MANUAL FOR THE CHAPEL
OF
GIRARD COLLEGE.

PHILADELPHIA:
PRESS OF HENRY B. ASHMEAD.
1883.

Noah Webster gives a definition of *manual*, thus: "(1) A small book, such as may be carried in the hand, . . . as a *manual* of laws; (2) hence, specifically, the service-book of the Roman Catholic Church." We examine this *Manual*, and find that it might just as well have been called a *Ritual* or *Liturgy*, for we find *liturgical* selections for morning and afternoon for every day in the month, besides special services for Sundays, Christmas, Good Friday, Easter, and other holy days. The *Manual* contains numerous forms of prayer, consisting *mainly*, if not entirely, of excerpts from *The Book of Common Prayer of the Protestant Episcopal Church.* Besides prayers and litanies, there are nearly two hundred hymns in the Manual. We make but little comment on the prayers, but their substance and form are distinctively *orthodox* and *evangelical*, so called. In a petition for the sick and dying (p. 20) the orphans are taught to pray that departing "souls" "*may be cleansed in the blood of Christ.*" Of course Jewish children could not join in this petition, neither could Friends (Hicksites), Unitarians, Universalists, and many other Christians. On page 23, in a responsive hymn which "may be said or sung" according to the *rubric* (not printed in red), in an address to "the everlasting Son of the Father," these words are used:

> "*When thou tookest upon thee to deliver man, thou didst humble thyself to be born of a virgin.*"

And again on the same page:

> "We *believe* that thou shalt come to be our Judge."

The dogma of *virgin-born saviours* is found in many of the ancient pagan religions, and has a place in orthodox creeds; but many pious persons do not accept the doctrine of a *God* born of a human virgin mother; and it was doubtless just such confusing dogmas as this that Girard desired should not be taught to young boys in his College. The doctrines of the "second advent" of Jesus and a final "general judgment" taught in the Manual are questions upon which the churches are very much divided.

We now turn to the hymns in the *Manual.* It was said by a wise man of the olden times, "Let me write the *ballads* of a nation, and I care not who makes the laws." The service of song is the most effectual way to teach dogmatic theology. We run hastily over the hymns sung in Girard College chapel and make a few extracts.

In Hymn 4th this line occurs:

"*The God incarnate! Man divine*"!

In Hymn 8th there is drawn a picture of "thousands of children in heaven," and the question is asked, "How came those children there?" The answer is—

"Because the Saviour shed his blood
To wash away their sin:
Bathed in that pure and precious flood,
Behold them white and clean."

Hymn 69th, verse 1, contains these words:

"Holy, holy, holy, Lord God Almighty,
Early in the morning our song shall rise to thee;
Holy, holy, holy, merciful and mighty,
GOD IN THREE PERSONS, BLESSED TRINITY."

This last line is repeated in the last stanza of the hymn:

"GOD IN THREE PERSONS, BLESSED TRINITY."

Now, the word *Trinity* does not occur in the Bible. The only verse in the New Testament (Authorized Version) that directly teaches the doctrine of the Trinity is 1 John 5:7: "There are three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these three are one." It has been known for more than a century that this verse is an interpolation, and it has been entirely excluded from the last version of the New Testament (1881), made chiefly by orthodox ministers. All scholars know that the dogma of the *Trinity* is of heathen origin, and that it is found in the great pagan religions centuries before the existence of either Jews or Christians. In the Girard College *Manual*, besides the hymn mentioned, it is taught in all the *Doxologies.*

Take 189:

> "Glory be to God the Father,
> Glory be to God the Son,
> Glory be to God the Spirit,
> Great Jehovah, three in one."

Also 193:

> "Praise to God the Father give,
> Glory be to God the Son;
> Praise be to the Holy Ghost;
> Glory to the *Three* in *one.*"

The dogma of vicarious cleansing blood-atonement, first formulated by Anselm in the twelfth century, and rejected by multitudes "professing and calling themselves Christians" (besides the Jews), is found throughout the *Manual.* Note the following:

Hymn 73:

> "In thy promises I trust,
> Now I feel the blood applied;

I am prostrate in the dust,
I with Christ am crucified."

Hymn 74:

"Wash me, cleanse me in the blood
That flowed on Calvary."

Hymn 75;

"I lay my sins on Jesus,
The spotless Lamb of God;
He bears them all, and frees us
From the accursed load.
I bring my guilt to Jesus,
To wash my crimson stains
White in his blood most precious,
Till not a spot remains."

Take the *chorus* of Hymn 82:

"Sing, oh sing of my Redeemer;
With his blood he purchased me;
On the cross he sealed my pardon,
Paid the debt and made me free."

Hymn 93:

"Just as I am, and waiting not
To rid my soul of one dark blot,

To Thee, whose blood can cleanse each spot,
O Lamb of God, I come."

Several hymns consist of ascriptions, divine worship, and adoration to Jesus, with prayer addressed to him. In Hymn 134 the following confusing words are put in the mouths of tender children:

"Buried in sorrow and in sin,
At hell's dark door we lay;
But we arise by grace divine
To see a heavenly day."

Suffice it to say that the *Manual* is an embodiment and open expression of the orthodox dogmas of the fallen, lost, and helpless state of the human race, the incarnation of God himself through birth of a virgin human mother, to atone for man's sin, and to wash away his guilt in the sacrificial blood of the God-man, thereby securing to believers eternal salvation through the grace of "*God in three Persons, blessed Trinity.*"

We are now prepared to consider the main question, whether Girard College theology is consonant with Girard's Will. The following propositions are respectfully submitted for examination:

I. The question under discussion is not whether the provisions of the Will are wise and desirable, nor whether the testator had a legal right to make them. This latter question has been judicially settled for ever by the unanimous judgment of the Supreme Court of the United States in 1844. There is nothing *unlawful* in the conditions of Girard's Will.

II. There is no ambiguity or inconsistency in the Will to create a reasonable doubt as to what Girard *intended should be taught* the orphan beneficiaries. After giving a curriculum of school-studies, he says:

> "I desire by every proper means a pure attachment to our republican institutions, and to the sacred rights of conscience as guaranteed by our happy

Constitutions, shall be formed and fostered in the minds of the scholars. My desire is that all the instructors and teachers in the College shall take pains to instill into the minds of the scholars the *purest principles of morality*, so that on their entrance into active life they may from inclination and habit evince benevolence toward their fellow-creatures and a love of truth, sobriety, and industry, adopting at the same time such *religious tenets* as their matured reason may enable them to prefer.''

The desires and purposes of Girard are here expressed in language which is as creditable to his clear and penetrating mind as to the patriotic, philanthropic, and moral principles of his generous and tolerant heart. He could not have desired a more creditable epitaph engraved upon his tomb than the words in which he expressed his will in regard to what the orphans should be taught.

III. It is just as clear from the Will itself what Girard intended and enjoined *should not be taught* to orphan boys in his College. He says:

"There are, however, some restrictions which I consider it my duty to prescribe and to be among other *conditions* on which my bequest is made and to be enjoyed:" . . . "I enjoin and require that *no ecclesiastic, missionary, or minister of any sect whatsoever shall ever hold or exercise any station or duty whatever in the said College; nor shall any such person ever be admitted for any purpose, or as a visitor, within the premises appropriated to the purposes of said College.* In making this restriction I do not mean to cast any reflection upon any sect or person whatsoever; but as there is such a multitude of sects and such a diversity of opinion amongst them, I desire to keep the tender minds of the orphans who are to derive advantage from this bequest free from the excitement which clashing doctrines and sectarian controversy are so apt to produce."

It must be perfectly clear to an unprejudiced mind that Girard intended to prohibit the teaching of "*religious tenets*" of every description, and that the orphans should be free to accept, without prejudice, such "*religious tenets*" as their "matured reason might enable them to prefer." When? "*On their entrance into active* *life;*" that is, when they leave the College. *It was to this end*—viz. to secure the non-teaching of "clashing doctrines and sectarian controversy" arising from the "diversity of opinion" among such a "multitude of sects"—that Girard excluded "ecclesiastics, missionaries, and ministers of religion of any sect whatsoever." Judge Story in his "opinion" well says:

> "All that we can gather from his language is that he desired to exclude *sectarians* and *sectarianism* from the College."

He thought it best, in order to secure this end, to exclude professional ecclesiastics from the College.

IV. Are the current teachings in Girard College such as he intended to provide as expressed so fully and specifically in his Will? What has heretofore been taught by the officers and instructors in the school-rooms and in private regarding "the purest principles of morality," or what is now being thus taught by the present officers, professors, and teachers, is not known to the writer. It cannot be doubted that Girard never contemplated any other teaching than what should be done IN *the College by the officers and teachers employed.* But an edifice of "*High Church*" architecture has been erected on the College grounds, and *missionaries* from orthodox churches, and especially from *the Young Men's Christian Association*, a sectarian institution (for Hebrews, Unitarians, Universalists, Quakers or Friends known as followers of Elias Hicks, and other religionists, cannot be active members in that Association), are statedly admitted on Sundays to the pulpit of the Girard College church edifice, and openly *preach* the distinctive dogmas of the dominant orthodox sects. These *ministers* (for a minister is one who *serves*, especially in religious matters) not only read chapters from the Protestant Bible, but at length *preach*—that is, expound the meaning and give and apply the sense—according to the accepted orthodox and evangelical creeds. Visitors have pronounced these *missionary sermons* (for a sermon is a *speech*) delivered in the College chapel to be equal in every respect to the discourses ordinarily delivered by pastors in the regular outside churches. The writer has specific reports of only two recent discourses. In the first the *missionary* or *minister* not only preached an orthodox sermon, but openly ridiculed the teachings of Thomas Paine, a well-known patriot, and held his character up to contempt, and stigmatized those who celebrate his birthday as "fanatical, long-haired men and short-haired women"! Did Girard, the friend and admirer of the man whose motto was, "The world is my country, and to do good my religion," ever intend that poor orphan boys from "six to ten years of age" should be thus harangued and prejudiced in his unsectarian charity school? In the second discourse, of which a report is at hand, the speaker *unwittingly* admitted in his opening remarks "that the founder of the College *never contemplated* or *intended* such a service as then and there engaged their attention." He seemed to feel that some sort of an apology was necessary, so he threw the responsibility of the perversion upon the Lord by quoting thrice, "God moves in a mysterious way his wonders to perform." Other pious speakers are reported to have justified the defeat of Girard's intentions by quoting, "Surely the wrath of man shall praise thee," meaning that Girard had been outwitted and his magnificent benefaction applied to what he did not intend—the promotion of orthodox dogmas of religion when he only thought to promote the purest principles of morality. This cunning petty pietists sometimes call "sucking the milk of the Gentiles." Of course the officers of the College can never know in advance just what dogmas will be taught by the missionary ministers, and so are not directly responsible for the foolish and improper things they may preach.

It is absolutely certain, from the general tenor and specific provisions of Girard's Will, that he never thought of any other teaching for the orphans than what should be done by the instructors *in* the College, who by accepting official position are legally and morally bound to comply with the wishes of the Founder. It is not safe or proper to admit to the pulpit or "desk" of this non-sectarian institution a promiscuous corps of men, many of whom have more zeal than knowledge, whose indiscreet and desultory utterances often not only pervert the purpose of the benefactor, but bring confusion to the tender minds of the children. There is no more reason for the four professors and their thirty or more assistants to call in a score or more of helpers on Sundays than there is for the pastor of a church to shirk his responsibilities and give up his pulpit to a crowd of outside exhorters. The officers and teachers of Girard College might with propriety occasionally invite well-known and distinguished visitors to speak to the boys, but they have no more right to turn over the regular work of instruction on Sundays to others than they have to surrender the work of general school instruction during the week to whoever might have an ambition or fancy to try their hands at school-teaching. This subject cannot be made too emphatic, and may be noticed later.

II.

THE DEFENCE OF THE DIRECTORS EXAMINED.

BELIEVING that the theology taught in the Girard College Manual, and in some of the lay sermons delivered in the chapel by the peripatetic *quasi*-preachers on Sundays, is utterly inconsistent with the "conditions" of the Founder's bequest, special pains have been taken to ascertain what explanation or justification could be made of the present policy and practice of the Directors. The President of the College was respectfully asked by letter to explain the apparent inconsistency between the provisions of Girard's Will and the policy of the Board regarding religious teaching, and he promptly and politely responded by sending a printed copy of *An Address* delivered in the chapel of the Girard College by one of the Directors (name not given) on the occasion of the introduction of the new Manual, July 22, 1883, and expressed the hope that this would furnish the information desired. The President was first frankly informed that it was intended by the inquirer to discuss the subject in his *Free Lectureship*.

In the *Address* an allusion is made to an "old Manual which had been in use for ten years," of which the speaker said it was "understood that the pupils had become very tired." To get at the whole truth, the writer immediately applied to the President for a copy of both the old and the new Manuals, which request was promptly granted, and the applicant, being an *ecclesiastic*, was politely allowed to call at the *lodge* of the College to receive the desired books.

The old one is called *A Manual of Devotion for Girard College for Orphans*, giving the name of William H. Allen, President of the College, as author. It is not necessary to describe this book in detail, but merely to say that it is very much less objectionable than the new Manual introduced in 1883, the latter not containing the name of the author or compiler, though said in the *Address* referred to to have been "authorized by the Board."

The *Address* is a short sermon on the text, "I was glad when they said unto me, Let us go into the house of the Lord" (Ps. 122 : 1). It is the general custom of the lay preachers in the chapel to take a "text" and to follow the usual clerical style in constructing a sermon.

The allusions of the Director to Girard's Will in introducing the new Manual were very few. He said: "Although Mr. Girard enjoined that no ecclesiastic, missionary, or minister of any sect whatsoever should ever hold or exercise any station or duty whatever in the College, nor ever be admitted for any purpose, or even as a visitor, within the premises appropriated to the purposes of the College, he is careful to say that he does not intend to cast any reflection on any sect or person whatever; only intending to keep your minds free from sectarian controversy until your matured reason may enable you to adopt such *religious tenets* as you may prefer."

It is well known that those having the selection of Sunday preachers for the chapel have been very careful that there should be no "sectarian controversy" before the boys, as the *speakers are always chosen from orthodox communions.* If Jews, Universalists, Unitarians, Hicksite Quakers, or other Liberals have ever been invited to the "desk" of Girard College chapel, the most diligent inquiry has failed to discover the fact.

The *Address* above mentioned contains this further reference to Girard's Will: "When the College was opened there were many persons living who were better able to determine the meaning of this clause (just quoted) of Mr. Girard's Will than some of the critics of this day; and the first Directors accordingly provided for religious services in a place set apart for the purpose." He proceeds to say: "'We are *sure*, then, that it is quite within the purpose of Mr. Girard that the principles of our common Christianity should be taught to his pupils. We believe, indeed, that we should be wanting most seriously in our *duty* to you if we did not provide appropriate religious instruction for you." Here is a plain admission that the "purpose" of Mr. Girard should be respected.

No extended remarks need be made upon these allusions of the "Director" in inaugurating the new Manual, though certain questions naturally arise: How can the "Director" *assume* and *affirm* that there were many persons living when the College was opened who were better able to determine the meaning of Girard's Will than some of the critics of to-day? Had any person received any private communication from Girard to the effect that he did not mean what he said in his Will? Has not the Supreme Court of the United States sustained the Will, and given an interpretation which the trustees have overlooked? and are they not bound to be governed by the terms of the Will and the interpretation thereof by the court? Are not intelligent men of to-day just as competent to judge of Girard's intentions, as set forth in his Testament and interpreted by the court, as were those who were living when the College was opened? It is from the Will itself, and not from the views of the first Directors, that the policy of the present Board should be determined. Precedent may determine some matters, but not such questions as are now under consideration. If the first

Directors made a mistake, the present Board should correct it, not perpetuate it. And how can any one be "*sure*" what Girard intended except by the careful study of the Will itself? Duty is a sacred thing, and if a man's sense of "duty" requires him to pursue a course different from the sacred *trust* he has voluntarily accepted, it is his *duty* to resign that trust. It is the *first duty* of a *trustee* to faithfully fulfil the *trust* committed to him, especially if the trust was created under the solemn instrument of a *Last Will and Testament*, and the Testator is unable, by reason of death, to see that his *Will* is enforced.

But if oral testimony is admissible as to Girard's intentions, we have it on hand from several of his personal friends and acquaintances, and specially from Stephen Simpson, Esq., who wrote his *Life* immediately after his death, stating many things of his own knowledge, and others from the testimony of his father, Mr. George Simpson, and other intimate acquaintances of Girard. Stephen Simpson says in his book: "The names of those vessels bespeak with sufficient accuracy the bent of his mind and the nation of his birth. The *Montesquieu*, *Helvetius*, *Voltaire*, *Rousseau* show the combination of philosopher and merchant, and indicate the high respect and reverence which he cherished for those illustrious names, their imperishable works, and their beautiful but dangerous doctrines." . . . "That Girard had no religion, and looked upon its professors with no friendly eye, *I well know*." With what propriety, then, can it be said, "We are *sure* that it is quite within the purpose of Mr. Girard that the principles of our common Christianity should be taught to his pupils"?

This is certainly an assumption based either on indifference or prejudice, as nothing can be clearer than that the adoption of "religious tenets" by these orphan children until their reason should mature it was the specific object of Girard to prevent; and all the exclusions and restrictions in his Will relating to the College were made to this end. He believed that the principles of the purest morality, with all the practical virtues, could be taught young boys without the introduction of theological dogmas; and that he was right in this opinion will be shown hereafter.

Later in the *Address* the Director tacitly *admits* that it is not lawful to teach sectarian doctrines—that is, to teach to the orphans what is not held by all Christians. He says: "The speakers here are laymen of different branches of the Church, but none of them will ever attempt to teach any other truths than those *in which all Christians agree.*" *But it is notorious that they do!* But suppose that they do not, is it any less a violation of Girard's Will to teach sectarian dogmas—or, if you please, "*religious tenets*" in which all Christians do not agree—in the prayers and hymns of the Manual than from the platform of the chapel?

The Director further says: "We who come to teach you here are not ordained clergymen [why use *ordained* before clergymen?]. We are business-men, but we claim to be students of the Holy Scriptures." . . . "We do not come to teach new truths. Our purpose is to explain and illustrate the Bible, and apply its plain teachings as closely and personally as we can. You may not know, from anything we say, to what branch of the Church we belong, though all of us do belong to some branch of the Church." Is this literally the fact? Does not every advanced student in Girard College *know* that the Sunday preachers in the chapel *all* belong to some branch of what is claimed to be *the orthodox* Church? Have any of the speakers ever been suspected of being Jews, Universalists, Unitarians, Hicksite Quakers, or Liberals? In the copies of the Manual intended for the platform this note is printed: "It is not insisted that the speakers in the chapel shall use *these forms* of prayer, but it is expected that the *order of service* as prescribed shall be followed. And it is suggested that the lessons from the Scriptures be read without note or comment." This suggestion is frequently, indeed generally, disregarded, and the speakers not only make running comments on the chapters they read from the Bible, but select particular texts of one or more verses, and *preach* upon them. Even the Director quoted above says, "Our purpose is to explain and illustrate the Bible;" and how this can be done "without note or comment" it is not easy to see.

"Alas! what tangled webs we weave
When first we practise to deceive!"

We here dismiss the *Address* of the Director of the College.

It is often affirmed, in justification of the present policy of the trustees of the College, that our highest court has decided that inasmuch as Girard directed that the "purest principles of morality" should be taught the orphans, and as this could not be done without the Bible, it is therefore proper that the Bible should be a textbook of the College, and that it should be read and explained, provided it is done by laymen. This claim is wholly without foundation. Judge Story *simply asks the question:* "Why may not the Bible, and especially the New Testament, *without note or comment*, be read and taught as a divine revelation in the College—its general precepts expounded, its evidences explained, and its glorious principles of morality inculcated? What is there to prevent a work *not sectarian* upon the *evidences of Christianity* from being read and taught in the College by lay teachers? Certainly there is nothing in the Will that proscribes such studies." . . . "All that we can gather from his language is that he desired to *exclude sectarians and sectarianism* from the College, leaving the instructors and officers free to teach the purest morality, the love of truth, sobriety, and industry, by all appropriate means, and, of course, including the best, the surest, and the most impressive."

The question propounded by the judge in regard to the Bible was well anticipated by Horace Binney, of counsel for the defendants. He said: "Would the Bible itself be a point of union for every one? Do all denominations adopt the same canon, even the same translation? With respect to the elements of Christian belief, do they concur in all of them? Will they all agree in any summary of them for the instruction of children?"

In regard to the matter of *lay* preaching—or *teaching*, if you insist upon a distinction without a difference—this evident evasion was anticipated by Mr. Webster in his argument. He said: "Is not the teaching of laymen as sectarian as the preaching of clergymen?" . . . "Every one knows that laymen are as violent controversialists as clergymen, and the less informed the more violent." . . . "According to my experience, a layman is just as likely to launch out into sectarian views and to advance clashing doctrines and violent bigoted prejudices as a professional preacher, and more so." Webster argued that Girard *intended* to exclude the teaching of any and all *religious tenets.* This is evidently the simple fact. But Girard insisted at the same time that the *purest principles of morality* should be taught, with all the practical virtues, some of which he enumerated—viz. "benevolence toward their fellow-creatures and a love of truth, sobriety, and industry;" also "a pure attachment to our republican institutions and the sacred rights of conscience."

No fair man can carefully read Girard's Will without reaching the conclusion that he intended that *religious dogmas* should not be taught in his College, but that the *purest ethical principles* should be inculcated by the instructors or teachers and their assistants in the institution, they to be *laymen*, carefully selected for their tried fitness for teaching, and especially of "established moral character."

This is expressly or by implication admitted by the court and counsel in the great trial of the action to set aside the Will.

The plea, *ad captandum vulgus*, made by the apologists for the policy adopted by the trustees in opposition to Girard's wishes, is "that it became a matter of *necessity* from the requirements of the Will itself; to wit, that Girard required that the 'purest principles of morality' should be taught the boys, and, inasmuch as the Bible alone teaches the purest principles of morality, it became necessary to accept it as a text-book, and of consequence to teach *religious tenets*." This is simple assumption and assertion, and will be noticed later. It may yet appear that the real *animus* of many persons is found in the old Jesuitical maxim, "that the end justifies the means"—a monstrous maxim quite as often practically acted upon by Protestants as by Roman Catholics. It saps the essential foundation of all *rightfulness*, and often becomes the source of the grossest *immorality*. It would practically assume and say that "it is right to defeat the intent of Girard; and since he is dead and cannot speak for himself, and since it is a beautiful thing to have a *chapel* and a *Manual* and Sunday services, and as we believe that all children lie at '*hell's dark door*,' and can only escape through the sacrificial and vicarious blood of the God-man born of a virgin, the Second Person of the 'blessed Trinity,' and as we believe these dogmas are essential to salvation and our motives are good,—why, of course, it is right to ignore Girard's intentions in the matter and take advantage of the circumstances to advance our own sectarian tenets; and especially as we have the majority on our side, and the experience of many years shows that we are not likely to have our own way disturbed by the protests of the fanatical sympathizers with the notions of the old French Freethinker. It is not likely that the courts will disturb us, since several of the judges now upon the bench are among the most popular of our Sunday preachers in Girard College chapel." Words too strong or too opprobrious cannot be employed to denounce those who would thus combine to defeat the intentions of Girard, as expressed in his last Will and Testament, and to pervert his magnificent bequest from a plainly-declared purpose and to apply it to one which he detested.

There are great *moral* principles involved in the perversion of Girard's Will which cannot be ignored. It is not now to be inquired whether it was a wise and judicous will,—whether it would not have been more politic and deferential to have followed the example of *the American Sunday-school Union* and simply provided that the managers should all be *laymen*, thereby as effectively excluding ecclesiastics as if they had been specially mentioned,—whether he was right in assuming that *morality* could be taught young boys, ignoring for the time *religious tenets*, especially *sectarian* dogmas; but the real question is, *What* was Girard's *will* or *intention*, and had he a *right* under the laws of the land to make such a Will as he did?

The legality of the instrument has been for ever settled by the highest court, and without quibbling there can be no pretence that Girard did not intend that what is now being done should not be done, and is therefore in palpable antagonism to, and in open violation of, his intentions. The present policy of the Girard College trustees is not only *immoral* in principle, but its tendency or effects must be *evil*, and only *evil*, as it seems to many.

(1) When the rich men of the present and future generations come to consider how they can best dispose of their surplus *millions* of money not needed by their families, and believe that the millions of Girard have been diverted—not only in not being applied as he directed in an important particular, but in direct opposition to his expressed wishes—will they not hesitate, and naturally conclude that if Girard was *cheated* and his object defeated, and the terms and conditions of his bequests

disregarded, probably it would be the same with any charity they might desire to aid, especially if they should have some views not accordant with the dominant religious dogmatism?

(2) What must be the *moral* effect upon the trustees of other numerous charitable bequests as to the *sacredness of trusts*, to see how defiantly the wish of Girard has been ignored, with apparent public approval? Asa Packer richly endowed *Lehigh Valley University*, and placed it under the religious care of the Protestant Episcopal Church, as he had a right to do; Francis A. Drexel recently bequeathed a million of dollars or more to foster and sustain Roman Catholic institutions, as he had a right to do; but if Girard's wishes as to teaching morality without sectarian religion are to be set aside, why should not the *Lehigh Valley University* be put in charge of the Unitarians or Universalists, and Drexel's magnificent

bequests be seized and applied to Protestantism?

(3) What must be the *moral* effect of any *stupendous breach of trust* in the matter of perverting *wills* upon the public mind and upon individuals? How can we have full confidence in the decision of a judge in a matter of *trust* who, perhaps only the day before, preached an orthodox sectarian sermon in Girard College chapel, with Girard's Will in his library if not in his pocket? *Unfaithfulness to official trusts* is the general, if not almost universal, curse of our politics, national, State, and local. In some of our large cities more money is diverted, if not stolen, by those by whom it is held in *trust* than is honestly applied to the objects for which it was extorted from the people by taxation. Just such outrages as are well known to exist corrupt and debauch public morals. Fiduciary unfaithfulness is no small crime.

(4) What must be the moral effect on the *thousands* of students educated in Girard College when they get old enough to read Girard's Will and believe that the wishes of their benefactor have been so palpably disregarded and his wise plans and purposes defeated by a system of sectarian instruction in the name of "*God in three Persons, blessed Trinity*"? They certainly will desire to find "religious tenets" that will produce a *purer morality* in the matter of *trusts* than has been shown by those who have persisted, and thus far succeeded, in defeating the Will of Stephen Girard. "Thou that preachest a man should not steal, dost thou steal?" (Rom. 2 : 21.)

(5) Is it not certain that this temporary triumph of the "*Church*" in "getting ahead" of Girard after his death, when he can no longer vindicate his rights, will finally react, and degrade those who have "done evil that good might come"? Can

those who "profess and call themselves Christians" *afford* to look even with only silent complacency on the unjustifiable and sectarian appropriation of Girard's millions, in direct violation of his well-known intentions? Is *this* the *morality* of ecclesiasticism? Have we not a right to expect better things from those who would have us believe that they are the divinely-authorized teachers regarding all things concerning God and our relations to him and our duties to one another?

Do not many churchmen need new light in the purest "principles of morality"?

Is *Churchism* in such straitened circumstances, so feeble, and so much in need of money to promote the effete dogmas of mediæval times that it must greedily *gobble* Girard College as a hungry and voracious vulture would seize a bit of meat? Why does not some millionaire Churchman found such another magnificent charity in which the dogmas of the Trinity, the fallen state of man, vicarious atonement, and blood-salvation shall be legally taught? Alas for the future prospect of a religion that can wink at one of the greatest wrongs of this morally-weak nineteenth century! Shame on the men who can stand in the chapel of the College, within a stone-throw of Girard's mortal remains, and teach sectarian dogmas, knowing the "conditions" of his charitable bequest! Some of them *do* feel ashamed, and hence half apologize for it, and charge it upon a "mysterious Providence." It must be a *mysterious Providence* indeed that favors religious brigandage!

Great stress is laid upon the difference between an ecclesiastic or minister and a *layman*, Churchmen claiming that the difference is in *ordination*. But Episcopalians admit the right of bishops only to ordain, while Presbyterians claim that ordination consists in "laying on hands of the Presbytery." Friends or Quakers have "recommended ministers," but they are never ordained, and the Methodists have scores and hundreds of preachers who are not ordained, and licentiates of all denominations sometimes preach for years before ordination. Presbyterian elders are, strictly speaking, "ecclesiastics," and are called "officers of the Church;" and yet Hon. Joel Jones, the first active President of Girard College, was an *elder* in the Presbyterian Church, distinguished for his knowledge of the Hebrew language, while William H. Allen, LL.D., who was President of this College for more than a quarter of a century, was an active Methodist speech-maker, at one time a professor in the denominational college at Carlisle; and both he and Judge Jones were far in advance of the average pastors of their respective sects in theological attainments. Presbyterian elders and Methodist orators and exhorters, who preach or minister in the chapel of Girard College, ought to blush when they ascend the pulpit. Girard's object plainly was to shield the orphans from *religious dogmas* and to secure the teaching of the purest morality *in* the College by the instructors regularly employed, who might be presumed to understand Girard's wishes as expressed in his Will, and who, because of their official responsibility, would feel bound in honor and common honesty to conform to them. If the officers and instructors in the College are not capable of teaching orphan boys the purest principles of morality without calling in outside missionaries, they are not fit for the place. The sacerdotal distinctions of "holy orders" and ecclesiastical "officers," or the difference between an *ordained* minister and a *layman*,* never could have entered Girard's mind. The word *layman* does not occur in his Will. He evidently intended to exclude the teach-

(* As teachers of dogmas.)

ing of *religious tenets*, and believed that he could only do so by excluding professional teachers of religion *coming from outside of the College*, not *employed in the daily regular work of teaching* IN *the College*. It is clear that the stated Sunday preaching to the orphans by the peripatetic preachers (though they may call themselves *laymen*) who make up the list of "stated supplies" is an open violation of both the spirit and letter of Girard's Will. He never contemplated the present irresponsible, promiscuous, and desultory religious teaching by *outsiders*.

What is taught in the "*Manual for the Chapel of Girard College*" has been shown in preceding pages to be the distinctive "*religious tenets*" of evangelical sects (so called), and especially the prayers and hymns and other forms of the Protestant Episcopal Church. If the avowed object of the *Manual* had been to make Girard College an efficient auxiliary to that particular denomination, it could not have been better adapted to that end.

How can this palpable perversion of Girard's Will be justified or even extenuated? The *fact* of the perversion cannot be denied. Will the trustees put in the plea of "confession and avoidance"? What could be made the points of such a plea? The courts have put no such "construction" upon the Will as to justify the teaching of "religious tenets," especially of a sectarian character, to the orphans. A decision has been made in our State Supreme Court relative to Wills within two days of this writing, bearing upon the principle in this case in the appeal from the Orphans' Court of Chester county as to the construction of a Will. Judge Gordon, in delivering the judgment of the court, says:

> "The cardinal rule for the construction of Wills is that the intent of the testator must be gathered from the Will itself. Where there is no ambiguity

in the terms of the Will, a doubt suggested by extraneous circumstances cannot be permitted to affect its construction. Confining ourselves strictly to the language of this Will, we cannot perceive the slightest ambiguity. . . . It (the lower court) has made a new and perhaps better Will for Gus. C. Wheeler than he made for himself, but as it is one that he did not make, we cannot adopt it. The decree is reversed and a new distribution ordered."

The Directors of Girard College may think that they have (practically) made a better will for Stephen Girard than he made for himself; but if it is not *his*, it is a shameful imposition, and the courts may be asked at no distant day to interfere in this matter. If the *public conscience* is not yet aroused over this question of public interest, there must be "something rotten in the state of Denmark."

All men who read the newspapers, and are thus made familiar with passing events, well know that there is now raging a violent controversy in the Congregational (orthodox) Church over the question of *trust funds* in the *Andover Theological Seminary.* It is known that the financial founders of that institution required as a *condition* of their gifts and bequests that certain doctrines should be for ever taught therein, and that nothing inconsistent with these dogmas should be taught; and special care is exercised to see that the intentions of the donors are faithfully carried out. But several Andover professors are now charged with teaching a "New Orthodoxy," inconsistent with the "Old" which the benefactors required to be taught, and they have been promptly arraigned for trial; but it is no part of the defence that they have a right to disregard the wishes or intentions of the *donors* of the money with which the seminary pays the salaries of its teachers and other expenses. The accused deny that they have violated the testamentary conditions of the founders. A Boston editor, recently referring to the matter of Wills, well says:

> "If we may judge from the discussions that occur frequently in evangelical sects concerning the proper interpretation of Wills wherein bequests have been made that in any way involve religion, it makes a great difference whose ox is gored. If the testator was strictly orthodox, it is claimed that the common moral principles of honesty require at once that the terms of his Will respecting religious matters should be executed with the strictest adherence both to their letter and spirit. But if the testator was a liberal thinker, and established financial trusts in accordance with his free beliefs, the evangelical disposition is strong to believe that Divine Providence sets aside this law of common honesty, and overrules the founder's intentions to the advancement and glory of the Christian gospel as evangelically interpreted."

There is nothing that so thoroughly blunts the moral sense of men as religious prejudice and bigotry, and many who are comparatively honest in secular business are sometimes far from being conscientious in religious affairs. Even ministers of religion often lie for what they call truth! The most cruel crimes that have ever been committed have been perpetrated in the name of the God of love and tenderness! The most bloody and inhuman wars have been waged in the name of the Prince of peace! Men who on the bench or at the bar or in the counting-house would be scrupulously honest sometimes join in the violation of a sacred trust for the glory of God and the advancement of religion! Away with a piety that is so often *im*pious! Away with a faith that justifies acts that the natural moral instincts of heathen and barbarians would be ashamed of!

There is no disposition here to cast any reflection upon the gentlemen, as individuals, who compose the Board of Directors of Girard College. It has been oft repeated that "corporations have no souls;" the true meaning of which is that there is too often a want of *conscientiousness* in *corporate bodies.* Men will do in their corporate capacity what they would not do as private individuals. It is common for a small minority of a public board to direct its policy, the majority trusting to the minority. But there are several able lawyers in the Girard College Board of Directors whose private and professional reputation is above suspicion, and it is marvellously strange that they fail to see the palpable perversion and violation of the conditions of Girard's Will in the open teaching of sectarian "religious tenets" in Girard College chapel.

That Girard reposed special confidence in "the Mayor, Aldermen, and Citizens of Philadelphia, and their successors" is evident from his Will—"leaving necessarily many details" to them. He says: "I do so with the more confidence as from the nature of my bequests and the benefit to result from them *I trust that my fellow-citizens of Philadelphia will observe and evince especial care and anxiety in selecting members for their City Councils, and other agents.*" All this has been changed. The "citizens" of Philadelphia are virtually ruled out, and have not even the poor show of influencing the choice of Directors through the City Councils except as to the three *ex-officio* ones. By some legal proceedings unknown to the writer *twelve Directors are appointed by the judges of our Court of Common Pleas* for life, while the Mayor and the respective Presidents of the Select and Common Councils are *ex-officio* members of the Board—making a total of fifteen. This leaves to the "citizens of Philadelphia" a very small and indirect share in guarding the *trust* committed to them by Stephen Girard. *Twelve* men appointed for life by certain judges *rule* Girard College, for the three other Directors are merely *ex-officio.* But all the Directors are responsible to the courts, and may some day be called upon to "give account of their stewardship." Appointing Directors for Girard College for life by judges who only serve for a limited term of years is a matter, to say the least, of questionable propriety, and not consonant with Girard's evident *intentions*, as appears from his expressed "hope that the *citizens* of Philadelphia would observe and evince especial care and anxiety in selecting members for their City Councils and other agents." At least *twelve* Directors of Girard College (out of fifteen) are in a position to say to citizens who may criticise their policy, "*What are you going to do about it?* We are here *for life*, and you cannot reach us except through the courts; and we have 'millions for defence,' and many good men believe that it is *right* to defeat Girard's intentions in the matter of religious teaching."

It is not intended here to affirm that the present Trustees have expressed, or even hold, any such defiant sentiments, or to question their strict conscientiousness. No reflection is herein made upon the personal honesty or honor of any members of the Board of City Trusts, but it is respectfully submitted that they have erred from the beginning in the interpretation of Mr. Girard's Will in the matter of teaching "religious tenets" which are obviously *sectarian*, and that as lately as 1883 the Board made a further departure when they approved of and introduced the *Manual* now in use in the chapel. It is to be hoped that the Board will voluntarily abandon the use of this *Manual*, and that more care will be exercised in selecting *preachers* for the Sunday service, who will confine themselves to teaching "the purest principles of morality," and abstain from teaching *dogmas* which are *professedly* held by orthodox sects only.

III.

ARE SECTARIAN DOGMAS ESSENTIAL TO MORALITY?

THERE are certain things in Girard's Will that are definitively settled, and therefore beyond controversy. He assumed and believed that the "purest principles of morality" could be taught the young without teaching them "religious tenets."

He was specially anxious that the pupils in his College should not have their tender minds disturbed, but "kept free from the excitement which clashing doctrines and sectarian controversy are so apt to produce, there being such a multitude of sects and such a diversity of opinion among them."

While he desired that *patriotism* and *toleration*, a pure attachment to our republican institutions and to the sacred rights of conscience, should be fostered in the minds of his orphan beneficiaries, and directed that the purest morality should be taught them, he was careful to explain what he meant by morality—to wit, "benevolence toward their fellow-creatures, and a love of truth, sobriety, and industry, leaving them free to adopt at *their entrance into active life* such religious tenets as their matured reason might enable them to prefer." That is to say, he desired that their minds should not be *preoccupied* with religious tenets, and their judgment prejudiced, before their reason should mature and enable them to judge for themselves as to what articles of faith, if any, they should adopt.

That Girard *intended* that no religious tenets should be taught in his College is evident from the tenor of his Will, and accords with his well-known principles. The name of God is not mentioned in that instrument, neither is the Bible or Christianity, and the assumption that because he did not forbid the teaching of Christian dogmas he left his trustees free to exercise their own discretion in this matter, is not a justifiable conclusion, and conflicts with the specific provision excluding religious tenets.

But even if we admit that he only intended to exclude those dogmas in which the sects of Christianity differ, it has been shown that in the lay sermons delivered on Sundays in the College chapel this rule of non-sectarianism, even in this sense, is often violated, and that the *Manual* daily used in the chapel by authority of the Board of Directors is thoroughly sectarian in its "religious tenets," especially in the hymns.

The dogma of the divine Trinity—"God in three persons, blessed Trinity"

—runs throughout the entire *Manual;* also the dogmas of the miraculous conception and birth of an incarnate God by a human virgin mother to save mankind from a lost, fallen, and depraved condition by his sufferings and death upon a cross, redeeming and cleansing them from all sin and impurity by his atoning and vicarious blood. It would be a reflection upon the intelligence of an audience to assume that it is necessary to prove that these dogmas are decidedly sectarian, as multitudes "professing and calling themselves Christians" do not accept them and do not believe that they are taught in the Bible. It is indeed a suggestive fact that more than a hundred religious sects, differing in creed in many important particulars, all profess to find foundation for their distinctive tenets in the New Testament, and also a clear condemnation of all those which differ from them. It was a biting sarcasm on sectarianism when Red Jacket, the celebrated Indian orator, said: "You make your Bible talk just what you want it to say." The Director of Girard College unwittingly said in his address to the pupils when he came officially to introduce the new Manual, "We do not come to teach *new* truths;" for there is no dogma in the theology of Girard College that is not older than either the Jewish or the Christian religion. In the theology of ancient India the doctrine of a divine *triad* is one of the most prominent features. Both the Brahmans and the Buddhists were Trinitarians from time immemorial, and so were the Chinese, Japanese, ancient Egyptians, Assyrians, Chaldeans, Phœnicians, the ancient Mexicans and Peruvians, and many other peoples of the pagan world, centuries before the Christian era. The same is the fact regarding a virgin-born savior and the all-cleansing blood, and other orthodox dogmas taught in Girard College, as could be proved beyond a doubt did time permit.

The doctrine of a *divine incarnation* is not new, but is quite as old as humanity itself. The Hindoo scriptures teach that *Vishnu*, the second person of the Indian "holy trinity," has been "made flesh and dwelt among men" at least eight or nine times. The first was named *Boudha*, and the eighth was named *Chrishna*, and the ninth *Boudha Sakya Mouni*, celebrated in that wonderful poem of Mr. Arnold's, *The Light of Asia.*

If the dogmas taught in Girard College are a special divine revelation, they were not first revealed to Jews and Christians, as they are found in all the ancient pagan religions, and should therefore be regarded as an *evolution*, a *development*, an *outgrowth* or *product*, of all preceding forms of religious faith; and it is not desirable nor profitable to distract the minds of children with them. To assert that the ancient pagans derived their religious ideas from Jews and Christians is to turn back the stream of history, reverse the order of things, and to expose the ignorance and bigotry of those who build their faith upon a false assumption. The best Christian scholarship of the world at the present time admits and demonstrates by undoubted historical facts the greater antiquity of the pagan religions, while the early Christian Fathers frankly admitted their substantial agreement with Christian dogmas. It is not a disparagement of Christianity, but, many wise men think, greatly to its credit, that its *best* precepts are common to all great religions in all countries and in all times. Even the eminent Bishop Butler, author of *The Analogy of Religion to the Constitution and Course of Nature*, admits that Christianity is a "*republication of natural morality*."

It is assumed by many that our national government is founded upon the

Christian religion, and that Christianity is part of the common law of Pennsylvania, and that patriotism requires that the doctrines of Christianity should be taught in our common schools and in Girard College. This assumption is false. The Constitution of the United States favors no particular form of religion, nor proscribes any. It is thoroughly tolerant and undiscriminating in religious matters. In 1796 the United States made a treaty with Tripoli bearing the Senate's approval and the official signature of George Washington, in which it is said, "*As the Government of the United States is not in any sense founded on the Christian religion;* as it has in itself no character of enmity against the laws, *religion*, or tranquillity of Musselmen [Mohammedans], . . . it is declared by the parties that no pretext arising from religious opinions shall ever produce an interruption of the harmony existing between the two countries." The majority of the inhabitants of the United States are nominally Christians, but the Government, while not *anti*-christian, is *un*-christian, and can no more by its official acts favor Christianity than it can favor Judaism or any other religion, even though it be antagonistic to Christianity.

As to the statement that Christianity is the common law of Pennsylvania, Justice Story says (in the Girard Will case): "This proposition is to be received with its appropriate qualifications and in connection with the Bill of Rights of that State as found in its constitution of government." The article in this Bill of Rights quoted by Judge Story reads thus: "That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences, and no man can of right be compelled to attend, erect, or support any place of worship or to maintain any ministry against his consent; no human authority can in any case whatever control or interfere with the rights of conscience; and no preference shall ever be given by law to any religious establishment or mode of worship." In commenting upon this article the learned judge says: "It must have been intended to extend equally to all sects, *whether they believe in Christiauity or not, and whether they are Jews or infidels.*" This settles the question whether the State specially favors Christianity to the disparagement of other sects, or even disbelievers in all sects.

With these general preliminary statements we come to the main question, *whether the religious tenets now taught in Girard College naturally tend to promote in the minds of the pupils "the purest principles of morality."*

The dogma of the Trinity as propounded in the Athanasian Creed is thus stated: "That we worship *one* God or

Trinity and Trinity in unity—neither confounding the persons nor dividing the substance; for there is one person of the Father, another of the Son, and another of the Holy Ghost. But the Godhead of the Father and of the Son and of the Holy Ghost is all one, the glory equal, the majesty coeternal." That Girard ever *intended* that the undeveloped minds of young boys should be confused and distracted with such self-evident absurdities and contradictions is an assumption most preposterous. That the dogma of the Trinity has any connection with morality who can show? Contrariwise, must it not tend to confuse the mind, stultify the reason, and excite a doubt as to the foundation of all religion? That there is a God, a Supreme Power and Intelligence, all religions assume, but few attempt in their sacred writings to prove. Theism is not a doctrine peculiar to any one class of religionists, and is therefore not sectarian. But as soon as you attempt to comprehend and describe God as to the mode of his existence, you plunge into mystery, and exclaim with the ancient Zophar, "Canst thou by searching find out God? canst thou find out the Almighty to perfection?" and conclude with Herbert Spencer that God is the *Unknowable*, and with Matthew Arnold that he is the "Enduring Power not of ourselves that makes for righteousness."

That the dogma of the Trinity has no necessary connection with questions of *morals* or practical *morality* is evident from the fact that those who profess to believe it are not a whit more *upright* or *reliable* in the hour of temptation to evil than those who openly reject it and even denounce it as a pagan absurdity. The statistics of crime gathered from our prison records show that Jews, Universalists, Unitarians, and Hicksite Quakers, who reject this dogma, are less likely, in proportion to their numbers, to fall under the condemnation of the law than their orthodox brethren, who in "vain repetition" make it a prominent feature in their forms of religious worship.

The same is true of the dogma of a divine Saviour born of a human virgin mother taught in the Girard College Manual. How does this pagan conceit tend to promote the "purest morality" which Girard required to be taught? The editor of one of our large religious publication institutions, then a Director and lecturer in Girard College, once said to the writer, "Is it not strange that one is required, as the first step in becoming a Christian, to stultify his reason and believe the impossible?" This suggestion was made in a free conversation on the miraculous conception and birth of a divine Saviour by a virgin human mother. It would be difficult to see how belief or disbelief of this extraordinary statement could nullify the sublime, though in many respects impracticable, *moral* precepts accredited to Jesus, called the Christ, or in any way tend to promote the purest principles of morality. The dogma of the lost and depraved condition of mankind is not only *not* promotive of morality, but is *demoralizing* and furnishes an excuse for wrong-doing, and discourages all earnest effort at reformation. "There is no use in trying to be good," exclaims the disheartened boy as he falls into temptation again and again. "My depraved nature makes it impossible."

I cannot better describe my views on this subject than by repeating what I have said in my writings elsewhere:

"The dogma not only impeaches the divine wisdom and love, but it makes man responsible for what he could not help. He is told that he could not do right if he would, but that if he should do right it would count for nothing. He cannot help himself, and he inwardly curses God and Eve and all his faithless ancestry. He naturally does what he is told he cannot help doing, just as children are almost sure to act like the depraved demons that some parents call them and teach them to believe themselves to be. All men *feel* at times that they are not totally depraved, that they have more good impulses than bad ones, and that, upon the whole, they perform more good acts than evil ones.

"Equally demoralizing is the dogma of pardon and deliverance from the consequences of wrong-doing through a divine contrivance of the vicarious sufferings of an innocent person, and that human disobedience is made all right as to consequences by the obedience of a divine man. The answer of the theologians to this charge is familiar to all, but is not practically accepted by common minds. When the child is told that '*Jesus paid* *it all!*' the inference is that there is nothing more to pay. And this conclusion is confirmed by the teaching that the sole condition of pardon is faith *in* and acceptance of the free gift. Thousands of ignorant persons, Catholic and Protestant, no doubt secretly rely upon this easy and convenient device to cover up their numerous shortcomings and misdoings. Such dogmas are welcome in the murderer's cell and upon the platform of the gallows. In thousands of ignorant minds the thought is no doubt deeply concealed that about the surest way to get to heaven is to commit a murder and have the 'benefit of clergy,' and in due time reach heaven by the hangman's rope. Such a system of theology must be demoralizing. Suppose that our State authorities should proclaim in advance free pardon and a princely palace to all law-breakers on the simple condition of *trusting* in the kindly interposition and substitution of another, *already made and accepted*,—what would be the effect upon public morals? All public officers know the evil effects of the 'pardon' system, and how even the faintest hope of pardon encourages crime, and how certainly a free pardon is so often followed by a life of even increased criminality. There is nothing in the analogy of nature, nothing in the jurisprudence of civilized nations, nothing in reason or philosophy or science, to justify the theologic method of redeeming offenders. It violates every principle of justice. It has not one single quality of *rightfulness* in it. It is a fiction pure and simple, in fact and in form. Macaulay well said of this redemptive contrivance, '*It resembles nothing so much* as a *forged bond* with a forged *release endorsed* upon its back.' Greg pungently describes it thus: '*It looks* very much like an *impossible* debt paid in an *inconceivable coin*, or like a legal fiction, purely gratuitous, got rid of by what looks very like legal chicanery, purely fanciful.'

"The true *at-one-ment* of Jesus was to reconcile men to God, not a contrivance to appease an angry God by paying a price for the redemption of man, to satisfy an imaginary claim of divine justice, and to overcome an obstacle by which the Infinite found himself confronted.

"The author of *Ecce Homo* (understood to be Professor Seely of the University College of London) in his recent work, *Natural Religion*, has clearly shown that the opposition of skepticism is not antagonism to *religion*, but to certain *dogmas* of *theology*, and that about all that scientific skeptics object to in theology can be given up without affecting the essential principles of true religion and morality."

Now, I respectfully submit that the purest principles of morality would be more surely promoted by teaching the orphans of Girard College the well-established principles of *natural religion* than to distract their undeveloped minds with the confusing dogmas of an effete orthodox theology.

There is a fixed and uniform *order of the universe*, a *moral* as well as a *physical* law; and this moral law is inherent in the nature of man, part of his very constitution, whether you call it conscience, moral sense, or the voice of God in the soul of man. To disregard this inward monitor is to bring suffering upon ourselves and others, while to conform to it, to be in harmony with it, is to ensure our own best interests and the highest welfare of others. The best summary of this natural moral law is found in what is called the "Golden Rule" contained in the single word "*reciprocity*," beautifully expounded by Jesus of Nazareth, though as fully stated by the pagan Confucius, the Chinese philosopher, and several others, many centuries before the wonderful

Babe of Bethlehem was cradled in the manger; and it may therefore be deemed a common expression of *natural morality.*

Law, natural and moral, is the most implacable and immutable of all things. "Sin and suffer" is a law as fixed and certain as the law of gravitation itself, which never relaxes or changes. Physical law knows no pardon for its violation, and by analogy it is logical to conclude that moral law has no remission of penalty for the transgressor, nor substitution of or transference to an innocent person. Imputed guilt and imputed righteousness are both imputed nonsense. There is, there can be, no such principle in an honest and just moral government. It is said that this teaching takes away "the Saviour" and robs man of his only hope in life and in death. But suppose man needs no savior, *in the sense in which* theologians use the word—that is, to bear our guilt and with vicarious blood to cleanse our depraved natures? But suppose that what you call depravity inherited from an imaginary first ancestor by natural generation is rather *undevelopment*, *imperfection*, the want or absence of *completeness*, and that instead of being, what Jonathan Edwards called reprobate infants, "vipers of vengeance," men are about as good as their degree of development and culture and their environments will permit them to be, and that, instead of being degraded and essentially depraved by inheritance from the Adam of mythology, they have only partially outgrown the instincts and passions of the lower forms of animal life, from which they have been developed by an orderly law and process of evolution; that instead of being fallen angels, men are rising mortals, who by the same process of law by which they have been elevated from the low estate of savages are destined to become as the gods. Men must save themselves or perish under the laws of Nature, which are just beginning to be understood; and no man can do the work for another except in kindly helpfulness. And in this sense the world has had, now has, and ever will have many noble saviors.

Ethical culture is what Girard College needs, not prayers, hymns, and doxologies full of the theological vagaries of the Dark Ages. The pupils should be taught what is *right*, what *ought* to be, and to do right because it is right, and to hate and avoid wrong because it is wrong. It is vain to attempt to bribe men into morality, or to intimidate them into righteousness by the pagan scarecrow of an eternal hell-torture. Virtue has its rewards and sin has its punishments, but these are rather *consequences* than *awards*. And the true idea of punishment is *remedial*, not revengeful.

It would be easy to show how a system

of *ethical culture* could be introduced into Girard College that would be strictly consonant with the conditions and direct requirements of Girard's Will, and at the same time instruct the pupils in an infinitely higher and purer morality than can ever be founded on the absurdities, contradictions and impossibilities in the form of orthodox sectarianism now taught from the platform of the chapel and in the prayers and hymns of the Manual. If one would learn the best system of teaching the purest principles of morality, let him study the methods of instruction adopted by the most enlightened of our Liberal churches, and especially those in use in our *Ethical Culture societies* in this and other cities.

I have been asked whether I would exclude the Bible from Girard College. I answer yes, and from the public schools also, and would be very careful to keep it out of the hands of children and un-educated young women and men in the family.

I would exclude the Old Testament from Girard College, because its basic narratives have been clearly proved to have been borrowed, in substance, from the more ancient nations, and to be part of a grotesque cosmogony that is thoroughly unscientific and dependent upon discredited chronology and upon documentary evidence extremely absurd and contradictory. Its representations of God, with the exception of a few passages, are extremely anthropomorphic, low, and degrading. It ascribes to him acts that justify the saying of Plutarch, that it would be more honorable to deny his existence than to form mean and unworthy conceptions of his character. There is no crime known among men that is not described in disgusting detail, which if not sanctioned is not directly condemned. The most monstrous and unjust acts are attributed to the Almighty and to his special representatives; the most cruel and bloody wars are justified (with slavery and polygamy); and large portions of the older books are extremely obscene, suggestive of all sorts of uncleanness and debauchery, never read in the family or in a promiscuous assembly, and utterly unfit for general reading, especially by children. There are many excellent maxims of morality in certain portions of the Old Testament which I would teach children in connection with the wise and good sayings of the sages of all times and countries, according to a plan which will be mentioned later. Scripture readings are now *selected.* Large portions are never read in private (except by the corrupt) nor in public.

What is needed to-day is an expurgated Bible, a sacred anthology made up of those moral precepts and ethical maxims with which the writings of the sages and poets of all ages and all countries abound. Attempts have been made in Scotland, Canada, and the United States to compile a Bible for the use of schools and families which should be free from the obscene, the impure, and the demoralizing, to supplant the very objectionable "Authorized Version" now in use, so that we shall cease to familiarize the minds of young boys and girls with pictures more revolting than anything found in the proverbially impure French novels of former days—scenes and crimes which cannot even be mentioned with propriety.

Let the Directors of Girard College offer a prize of $1000 or $10,000 for a book which shall be *eclectic*, containing the highest lessons of morality gathered from all sources, and another prize for a collection of sacred songs which shall be free from the absurdities and superstitions of dogmatic theology, written by the best poets of nature, ancient and modern, and containing the loftiest and most exalted sentiments; let these be set to the sweetest music, and let the exercises of the schoolroom and of the chapel be well adapted to the capacities and wants of the orphans, calculated to make them love the good, the beautiful, and the true, and to practise the purest principles of *morality* from an *inward perception of the right;* and thus prepare them, by the proper instruction and cultivation of their minds and the development of their moral natures, to become honorable and useful members of society.

Time will not permit me to pursue this subject here and now, and further condemn what many of our citizens regard as a shameful perversion of Girard's Will in making that noble and liberally-endowed charity a sort of Sunday-school for the inculcation and promulgation of the distinctive dogmas of an effete theology, scouted by the most advanced thinkers and the best scholarship of this nineteenth century of light and progress. The dominant theology taught for centuries past has conspicuously failed to produce a high-toned public morality, and those who talk most of "God in three persons, blessed Trinity," and the cognate doctrines of salvation by faith in the interposition of a God-man born of a virgin, are least to be trusted in the hour of trial. The world needs a higher standard of right, a more perfect code of morals, than can be found in the orthodox Church creeds; and in the progress of that system of *evolution* which has brought up a portion of our race from the lowest savagery to our present civilization (yet far from being perfect), it is bound to have it. The work is *slow* but *sure*. "The mills of the gods grind slowly, but they grind exceeding fine." "Ever the truth comes uppermost, and ever is justice done."

IV.

SUMMING UP THE CASE.

THE *gravamen* or *gist* of the controversy in the Girard Will case is clearly this: *Can the purest principles of morality be taught children without teaching them religious tenets?* The Testator assumed that it could be done, and expressly provided, as a condition of his bequest, that it should be done. The Directors charged with the execution of the trust have assumed that what Girard required, could not be done, and have not even made the attempt. At first some caution was exercised and some timidity manifested, but later, and especially since 1883, when the present *Manual* was introduced, the active Directors have grown bolder and bolder, until Girard College has become a religious training-school for the Protestant Episcopal and other ritualistic orthodox sects.

There stands the granite or marble "*High Church*" edifice, with its tower and vaulted roof overlooking the College grounds and public highways, and saying in unmistakable and defiant terms, "We have carried our point; we have outwitted Girard; we have gained a great victory over the Philistines, and have triumphed in the name of the Lord—'God in three Persons, blessed Trinity'!" Visitors express their wonder, and sometimes their delight, at the strange turn that things have taken in spite of Girard's well-known intentions, while multitudes of thoughtful and conscientious citizens drop their heads with shame, and feel aggrieved that this city of Philadelphia, for which Girard did so much, while he did so little comparatively for his family relatives, should have, as many think, the distinction of having been so flagrantly *infidel* to the *trust* reposed in it by its most wealthy and distinguished citizen, though of foreign birth. Surely the time *must* come when what is now considered by many as Philadelphia's greatest pride shall be regarded as her greatest shame, and the very stones of the College, and especially of the chapel, shall speak indignant words of reproach and condemnation against those who now think that they have done so great service for religion.

But many persons now clearly see that Girard showed his great sagacity and foresight in the conception that *morality* could be taught children without confusing their tender minds with conflicting religious tenets.

More than half a century passed away before this idea was fully formulated by others and an attempt made to put it into practice. But within the last decade what is known as the *Ethical Culture* movement has been organized, founded upon this very conception of Girard's, and flourishing societies are now practically *proving* its truthfulness in New York, Boston, Chicago, St. Louis, Philadelphia, and perhaps other places.

Let us briefly examine the main question at issue: *Can the purest principles of morality be taught children without teaching them religious tenets?* And right here come up the questions, What is religion? and, What are its relations to morality? The commonly-accepted derivation of the word "religion" is from the Latin *religare*, which means "to bind back or behind, to bind fast." According to this etymology, the word is suggestive of *bondage.* But the highest classical authorities derive the word religion from *relegere* or *religere*, signifying "to go through or over again" in reading, speech, or thought—to review carefully and faithfully, to ponder or reflect with conscientious fidelity. That is, the application of the intellectual faculties under the direction of conscience or the moral sense. It is a significant fact that Lactantius, a Christian theologian in the early part of the fourth century, is said to have been the *first* to apply the word "religion" to the "bond of piety by which we are *bound* to God." Augustine, a Christian Father of the fifth century, followed his example, and so did Servius about the same time; and their course has been sanctioned by theologians ever since. Why? Because it favors the orthodox dogmas of the rebellion of men in the alleged fall of Adam, and their reinstatement and binding back to the divine allegiance by a preordained redemptive scheme through Christ.

Cicero also, "the noblest Roman of them all," who must have been master of his vernacular tongue, and who lived three hundred years before Lactantius, derived the word "religion" from a different root. He said: "But they who carefully meditated, and as it were considered and reconsidered all those things which pertained to the worship of the gods, were called *religious*, from *religere*." The word *religio* was in common use in ancient Rome in the sense of *scruple*, implying the consciousness of a natural obligation wholly irrespective of the gods. The oldest popular meanings of the word "religion" were *faithfulness*, *sincerity*, *veracity*, *honor*, *punctiliousness*, and *conscientiousness*.* Religion in its true meaning is the great fact of *duty*, of *oughtness* or *rightfulness*, of *conscience* or *moral* sense, and of *obligation* to seek conformity to one's highest ideal formed from the most careful, honest, and devout contemplation, and is inseparable from the idea of *worshipfulness;* and its outward manifestation is a life of pure morality and practical benevolence toward mankind (James 1 : 27). True religion, then, consists in an *honest and persistent effort, by all appropriate means, to realize ideal excellence and to transform it into actual character and practical life.* In this sense, if it is not identical with morality, it is inseparable from it. Religion in this sense, as a *spirit* and a *life*, is objected to by none, but is admired and commended by all. It is not religion proper toward which men are disinclined and skeptical. It is false religion that is under the ban. It is not to religion itself that men object; it is to what some men have *said about it*—what they would require you to believe, in spite of science, history, and self-consciousness. It is superstition, bigotry, credulity, creed, sectarianism that are detestable. The greatest mistake of the ages was to conceive of religion as something foreign or external to man—something to "*get*" or to be taken from some repository, like medicine in a drug-store, and infused or injected into the convert. The religious principle is *in* man, born with him, is part of his nature and constitution, and is as ineradicable as his love of beauty and as insatiable as his appetite for food. Religion does not come from the bibles. The bibles and churches and sacraments are products and outgrowths from it. Even Prof. Tyndall says: "The facts of religious feeling are to me as certain as the facts of physics." . . . "The world will have religion of some kind." . . . "To yield this sentiment reasonable satisfaction is the problem of problems of this hour." Renan says: "Devotion is as natural as egoism to true-born men." . . . "The organization of devotion *is* religion." Matthew Arnold well says: "The world cannot get along without a religion," but wisely adds: "It cannot get along with the religion it has," meaning the dogmas which theologians *call* religion.

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* See *A Study of Religion*, by Francis E. Abbot.

It is evident, from what has been here shown, that in the true *philological* sense of the word "religion," if it is not identical with the purest principles of morality, it is very nearly allied to them. But religion is a very different thing from the dogmas and tenets which theologists insist upon connecting with it. What Girard specified as principles to be specially taught the orphan students *is* practical religion—viz. "benevolence toward their fellow-creatures and a love of truth, sobriety, and industry," and "a pure attachment to our republican institutions and to the *sacred rights of conscience.*" Instead of these, or perhaps in connection with these, the Directors of the College insist upon teaching dogmas which, as has been shown, have no essential connection with morality, such as the fallen and depraved condition of mankind, and their redemption by the incarnation of God through a human virgin mother, and the shedding of atoning, vicarious, cleansing blood.

Now, the bases or essential principles of religion and morality are *catholic*—that is, universal—and are held in common by all thoughtful men to-day, and have been held in all ages and in all climes. Take, for an example, what is called the *Golden Rule*, found in Matt. 7 : 12, which reads thus: "Therefore all things whatsoever ye would that men should do unto you, do ye even the same unto them; for this is the law and the prophets." This last clause is a tacit acknowledgment by the Author of the Sermon on the Mount that it was not original with him, but is the import and substance of all preceding moral teachings. In Lev. 19 ; 18 we read, "But thou shalt love thy neighbor as thyself," which implies the same principle. Rabbi Hillel a generation before the Christian era used habitually the same words accredited to Jesus, and Isocrates, three hundred and thirty-eight years earlier, said: "Act toward others as you would have them act toward you." "We should conduct ourselves toward others as we would have them act toward us," said Aristotle three hundred and eighty years before Jesus was born; and four hundred years before the Christian era Sextus, a Greek, said: "What you wish your neighbors to be to you, such be ye to them." About five hundred years B. C. Confucius, a Chinese sage, wrote his twenty-fourth maxim, thus: "Do to another what ye would he should do unto you; and do not unto another what ye would should not be done unto you." He added: "Thou only needest this law alone; it is the foundation and principle of all the rest." Pittacus, a Greek philosopher, six hundred years B. C., used similar words: "Avoid doing that to your neighbor which you would take amiss if he was to do it to you;" and Thales, his countryman, said six hundred and forty years B. C., "Avoid doing what you would blame others for doing."

Buckle in his *History of Civilization* truthfully says "that the system of morals propounded in the New Testament contains no maxim which had not been previously enunciated, and some of the most beautiful passages in the apostolic writings are quotations from pagan authorities well known to every scholar; and, so far from supplying, as some suppose, an objection against Christianity, it is a strong recommendation of it, as indicating the intimate relations between the doctrines of Christ and the moral sympathies of mankind in different ages. But to assert that Christianity communicated to man moral truths previously unknown, argues on the part of the assertor gross ignorance or wilful fraud" (vol. i. p. 129).

What is true of the "Golden Rule" is equally true of what is called *the Lord's Prayer*, though it is often asserted that Jesus first taught the "Fatherhood of God and the brotherhood of men." From the Jewish Kadish, "*A Prayer to the Father*" has been thus translated: "Our Father, which art in heaven, be gracious to us, O Lord our God; hallowed be thy name: and let the remembrance of thee be glorified in heaven above and upon earth here below. Let thy kingdom reign over us now and for ever. Thy holy men of old said, 'Remit and forgive unto all men whatsoever they have done against us.' And lead us not into temptation, but deliver us from the evil thing. For thine is the kingdom, and thou shalt reign in glory for ever and for evermore." In an ancient Hebrew litany we find substantially the same sublime prayer: "Be thou merciful unto us, O our Father, for we have sinned. Bring us back to the keeping of thy law. . . . Bless all even as one with the light of thy countenance. Our Father, who art in the heavens, proclaim the unity of thy name and establish thy kingdom, and reign over us for ever. Let us not fall into the power of sin, transgression, or iniquity, and lead us not into temptation. Subdue our inclinations, that they may be made subservient to thee. Thine is the goodness, the power, the glory, the majesty. Our Father, who art in the heavens, thy will be done on high. Vouchsafe to bestow a peaceful and tranquil mind on those who love thee on earth. But do whatsoever seemeth good in thy sight. Give us bread to eat and raiment to put on. Forgive those who have this day offended thee. Thou knowest the heart. Grant that which thy wisdom knows would be best for good, and no more."

The fact is, the expression "Our Father, who art in the heavens," is common to many nations and religions. The Hindoos, the Greeks, the Romans and others, all had expressions which meant "Our Father in the sky." The esoteric spirit of all religions, if not strictly identical, is extremely similar, and so may be regarded as a *natural* religion, yet none the less divine. God has always spoken *in* man and *to* man, well denominated by our Quaker friends the "*inner light*," "the true Light which lighteth every man that cometh into the world."

The brotherhood of mankind is distinctly taught by many, if not all, ancient religions. Epictetus, who was once a slave, but became a philosopher in the first century A. D., said: "The Cynic cares for all as a father, a brother, a minister of Zeus, the common parent." . . . "One is not to call himself a citizen of Athens or Corinth, but of the universe, a son of God." Cicero, one hundred years before Christ, said: "Men were created for mutual help; cherish the common bond of the human race." . . . "One who knows himself will feel that he is a citizen of the whole world, holding all united by nature his own relatives." . . . "By nature we are inclined to the love of men, which is the basis of law." Seneca, born nearly a century B.C., said: "Humanity counts that good for one's self which will be a good for another." . . . "All have one origin; none is nobler than another, save by precedence in right and good ways." It would be easy to extend these quotations indefinitely.

But here it is proper to emphasize what has already been suggested—that Girard College (and our public schools) greatly need a *sacred anthology*, containing and teaching from many authors the purest principles of morality, free from superstition and the sectarian "religious tenets" now taught the orphans in that institution.

Only *selections* from our Bible are now ever read in Girard College, in our families, and in our Sunday-schools and churches. Why not have these *selections* printed in a book separate and apart? Why not add to these choice sentiments and principles from the Jewish and Christian scriptures, choice selections from the bibles of the ages, many things in which are fully equal, if not superior, and as fully inspired of God? What is now called *the* Bible is itself a *selection*. It is not *a* book—that is, *one* book—but *sixty-six little books* or pamphlets bound up in one volume; and all scholars realize how little is actually *known* of the origin of these little tracts, as most of them are anonymous and manifestly *selections* from scores and hundreds of other little books claiming greater antiquity and equal authority. Religious people do not now agree as to the particular books that shall constitute *the Bible*, one authoritative sacred book. The Roman Catholics accept as canonical fourteen more books than Protestants, while Martin Luther rejected several now in the Protestant canon, and so do many distinguished scholars and theologians of to-day. Horace Binney, the learned lawyer who defended Girard's Will, had these facts in mind when he said, "Would the Bible itself be a point of union for every one? Do all denominations adopt the same canon, even the same translation?"

But to return to the main question in controversy. There can be no reasonable doubt as to what Girard meant by "religious tenets" which he would not have taught in his College. He gave his own interpretation when, in this immediate connection, he referred to "such a multitude of sects, and such a diversity of opinion amongst them," and expressed the desire to "keep the tender minds of the orphans free from the excitement which clashing doctrines and sectarian controversy are so apt to produce." But he did not ignore *religion* itself, but tacitly recognized it. He knew that all persons are apt to choose religious tenets some time, and he only desired to provide that this choice should be *postponed* until the "matured reason" of the children should enable them to prefer one set of *tenets* rather than another when they should enter upon active life. He did not intend to proscribe anything but *sectarians and sectarianism.* So said Judge Story in the "opinion," and so admit the Directors, and yet they authorize the use of a sectarian *Manual* in the chapel, and permit sectarian harangues on Sundays by a motley corps of irresponsible outsiders, but always of the so-called evangelical, orthodox Moody-and-Sankey variety.

The question is often asked, How can we teach the purest principles of morality without teaching religious tenets? But it must be kept in mind that it is admitted that it was *sectarian* religious tenets only that Girard proscribed; and no one can intelligently insist that all religious tenets are necessarily *sectarian*—that there are no religious tenets to which some sects do not except. Contrariwise, there are no religious tenets, essentially connected with the teaching of the purest morality, in which all truly intelligent and religiously disposed persons do not agree. All religions acknowledge the existence of God and his government of the universe by uniform laws, natural and moral; but they do not all accept the sectarian dogma of "God in three Persons, blessed Trinity," the most common and prominent one taught in constant iteration and reiteration in Girard College chapel. All agree as to the essential difference between right and wrong, and the fact that right-doing brings a rich reward and wrong-doing its certain punishment. Socrates taught the doctrine of a future life, or rather the continuity of life, as plainly as Jesus did, and so did many other persons centuries before either of them were born; and all religions hold this faith. And so it might be shown that all religious tenets which have any natural or necessary connection with morality are held in common by all civilized men. Even Gladstone, the Christian statesman *par excellence*, in his letter to Huxley recently said: "I will not dispute that in these words, 'Do justly and love mercy, and walk humbly with thy God,' is conveyed the true ideal of religious discipline and attainment. It may be that we shall find Christianity itself is in some sort a scaffolding, and that the final building is a pure and perfect Theism." It would be easy to show that there is a universally-acknowledged code of morals growing logically out of *natural religion*, while the sectarian dogmas of orthodox theologians taught in Girard College have no necessary connection with right living and doing, unless it be to practically encourage and promote *immorality*. Believers in the depravity of human nature, and salvation through the vicarious blood of a crucified God-man born of a virgin —the second person of the "blessed Trinity"—are no better than their neighbors, if indeed they are as good on the average. Guiteau the assassin was as orthodox, according to the theology of many churches, as was Garfield the victim, and believed to the last that he did God's service by killing the President. Jesse James the outlaw requested that one of his funeral hymns should be the one beginning, "What a Friend we have in Jesus!" and nearly all criminals in our jails, prisons, and reformatories have been taught, and nominally believe in, the orthodox dogmas openly taught in Girard College by authority of the Directors.

The fact is, that, if *religious creed* has very much if anything to do with *moral conduct*, the argument is with Liberals and Rationalists, rather than with the orthodox. What is *called* "*evangelical Christianity*"—that is, the alleged religion of the *Gospels*—always depreciates simple morality, though Jesus never made salvation depend upon anything but morality or good works. More than a score of passages can be quoted from the four Gospels to prove this, while only one can be produced in support of the theological dogma of justification by faith—viz. "He that believeth and is baptized shall be saved, but he that believeth not shall be damned" (Mark 16 : 16). That this is an interpolation many scholars think, and it appears strongly presumptive from the fact that though Matthew, Luke, and John profess to give an account of the last interview between Christ and his apostles, they all omit this particular verse found in Mark, and it is also omitted by the author of Acts (chap. 1). The dogma of *creed* instead of *conduct* was mainly promulgated by Paul, and in strict consistency those who call themselves Christians should take the name of the Apostle to the Gentiles. He said, "A man is not justified by the works of the law, but by the faith of Jesus Christ; . . . for by the works of the law shall no flesh be justified" (Gal. 2 ; 16); "To him that worketh not, but believeth on Him that justifieth the ungodly, his faith is accounted for righteousness" (Rom. 4 : 5); "Therefore we conclude that a man is justified by faith, without the deeds of the law" (Rom. 3 : 28).

Martin Luther, the leader of the Protestant *Reformation* (so called), gave the logical interpretation to this dogma published in his *Table Talk,* thus: "Every doer of the law and every moral worker is accursed, for he walketh in the presumption of his own righteousness." . . . "If men only believe enough in Christ, they can commit adultery and murder a thousand times a day without perilling their salvation." . . . "He that says the gospel requires works for salvation, I say flat and plain he is a liar."

The founder of Methodism (John Wesley) taught the same. Referring to certain English clergymen, he writes: "They are well pleased that their parishioners grow more diligent and honest. . . . Nay, they are glad that they are brought to practise both justice and mercy; in a word, to be moral men. But the truth is, the Methodists know and teach that all this is nothing before God" (*Mis. Works*, vol. iii. p. 99).

The fact is, the morality of evangelical Christians is better than their written creeds, and, notwithstanding the *logical* tendency of their "religious tenets" is *demoralizing*, their strong innate religious principles and natural moral sense (to say nothing of worldly policy) keep them from following their faith to its natural conclusion. It is to be feared, however, that children and many ignorant and uncultured persons are encouraged and confirmed in wrong-doing by the easy evangelical contrivance for escaping its final consequences.

All unprejudiced well-read and observing men know too well that it is possible to have too much *Church* and too much of what Churchmen call "religion." Where *the* Church has supreme dominion there is always a *low* standard of *real* morality. It is easy and natural for ecclesiastics, clerical and lay, to substitute for the weightier matters of the law "mint, anise, and cummin"—that is, the tenets and forms of religion for *true* morality—and thus, perhaps unintentionally, teach an *artificial* and *false* morality, consisting of a round of rites and ceremonies, rather than the practical virtues and right conduct. A man may be so religious in the Church sense that he would feel more compunction of conscience for eating meat on Friday than for telling a lie or stealing from his employer. Indeed, there is on record a case in which one man murdered another in cold blood, and stole the clothes from the corpse and the food from his dinner-basket—except the meat—assigning as a reason for not taking it that it was then Friday and he was too good a Christian to eat flesh-meat on that day. The Church, as it has been corrupted and perverted, has had its sway for nearly two thousand years, but Christendom has made but little if any advance upon the public morality of pagan lands in ancient times. Every true man knows that we need a higher public and private morality than the dominant theology has given us, and that a radical reformation in the matter of teaching the purest principles of morality is greatly to be desired. A more natural and rational *religion* is essential to a higher morality, and the Directors of Girard College are bound to carry out Girard's requirements and teach or cause to be taught the purest principles of morality, instead of the effete, irrational, and unscientific dogmas of theology invented by priestcraft for its own self-aggrandizement. The *spirit* of ecclesiasticism is not confined to ordained clergymen, but is very common among laymen, so called. There is some reason for suspecting that certain laymen who are prominent and officious in the management of the *American Sunday-school Union* and *Girard College* quite enjoy the opportunity of exercising their prerogatives without the *interference* and *overshadowing* presence of the clergy.

It must be evident by this time that those who piously sneer at Girard's Will as an attempt to dishonor true religion, and thus to encourage infidelity, do him and his admirers and defenders great injustice. We can only infer what Girard was and what he believed from what he did, and required that others should do in executing the *trust* of educating orphan boys at his expense.

Those who now protest against the perversion of Girard's Will would not *break* it, even if it were possible so to do. They would not exclude religious teaching from the College, but have it based on the great and universally-admitted principles of *natural morality.* They would exclude the sectarian dogmas now taught from the platform and in the Manual as irrational and unscientific, and, instead of assuming that such tenets are necessary to teach "the purest principles of morality," they would insist that they are in themselves immoral and naturally promote immorality. It is to the *sectarianism* of the Directors that objection is made, in that they are in quiet official possession of Girard College with its immense endowment, amounting to millions of dollars, and, so far as its religious character is concerned, have actually appropriated it to the promotion of the distinctive denominational dogmas of what are known as *evangelical* or *orthodox* sects.

If the courts do not interfere in this matter, and by *mandamus* or other judicial proceeding compel the Directors to execute the *trust* committed to them in accordance with the provisions of Girard's Will, there is no use in having courts and no use in making a Will. It is often said that but for Christianity there would be no public charities, and therefore the distinctive dogmas of the Christian religion should be taught in a great charitable school. This is a false assumption. Charity is not a virtue confined to Christianity. The Jews had it before our era. Four hundred years before Christ an emperor of India established hospitals throughout his entire empire. The first asylum for the insane was established by Mohammedans in the seventh century, and it was seven hundred years later before Christians followed the example through the influence of a pious monk in Spain. The first provision for the custody of lunatics in Christian England was in 1744, in the Vagrant Act, and official records show that a constable charged 8*s.* 6*d.* for "watching and whipping a distracted woman"! Readers of Shakespeare will remember that he puts into the mouth of Rosalind reference to the "dark house and the whip" with which the insane were punished. Ancient Greece had many institutions of charity for her poor and for strangers, and the corn-laws of the Roman Caius Gracchus have never been improved by any modern people. Even hospitals for the lower animals have long existed among pagans, with wholesome laws for prevention of cruelty to animals; and China has had a system of civil-service reform for a thousand years far superior to anything that our so-called Christian State is likely to reach for a thousand years to come.

The *moral precepts* of Christianity, with a few general principles or doctrines which are as clearly taught by Natural Religion, are alone *unsectarian;* and these alone can honestly, under Girard's Will, be taught in Girard College. Just so soon as the Directors depart from these limits they plunge into sectarianism, and plainly violate a most sacred *trust.* There are men, not a few, in this country who could formulate a system of religious and moral instruction for Girard College and other schools required to be unsectarian that would command universal acceptance, and *not* violate the conditions under which Girard College was founded, and at the same time would be infinitely more effective in promoting the purest principles of morality among the children than the present sectarian *Manual* can possibly be. It would be out of place here and now to go into details and attempt to show just how it would be possible to instruct the pupils of Girard College in "the purest principles of morality, so that on their entrance into active life they may from inclination and habit evince benevolence toward their fellow-creatures and a love of truth, sobriety, and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer," without confusing the minds of children with sectarian dogmas.

Orthodox theology is necessarily narrow, intolerant, aggressive, arrogant, and overbearing, and will make a hard fight to maintain the present sectarian management of Girard College. Its true spirit and purpose are well illustrated in a recent number of the *New Princeton Review* (Jan., 1887), in an article on "Religion in the Public Schools" from the pen of the late Dr. A. A. Hodge, in which he says: "The alternative is simple," and does not shrink from stating it thus: "Christians have all the power in their own hands. The danger arises simply from the weak and sickly sentimentalism respecting the transcendental spirituality of religion, the non-religious character of the State, and the supposed equitable rights of a small infidel minority. All we have to do is for Catholics and Protestants, disciples of a common Master, to come to a common understanding with respect to a common basis of what is received as general Christianity, a practical quantity of truth belonging equally to both sides to be recognized in general legislation, and especially in the literature and teaching of our public schools." No wonder that Dr. Patrick F. McSweeny, in the *Catholic World*, says of the bold utterance of Dr. Hodge that "it is remarkable as perhaps the nearest approach that has yet been made by a non-Catholic to the Catholic position on the school question." It is scarcely necessary to make note or comment. Might is right; the majority should rule even in matters of religion and conscience; "the small infidel minority" have no equitable rights that the Christian majority are bound to respect (and all are infidels who do not accept the dogmas of the dominant theology); and just as soon as Catholics and Protestants can agree as to what general Christianity really is, everything will be lovely! This is just what Dr. Hodge meant, and this is the essential spirit of orthodox "religious tenets." The safety of the small minority *called* infidels is in the fact that it is not only impossible for Catholics and Protestants to agree, but it is equally impossible for Protestants to agree even among themselves, as to what they call the fundamental principles of Christianity. Half the theological professors of the world to-day are quarrelling among themselves as to what their Bible is and what it teaches, and whether it would be just in God to doom to eternal torture whole nations for rejecting a "Saviour" of whom they never heard. But science is marching on, and liberalism is on the increase, and a *new theology* is bound to supersede the *old*, and the dreams of priests will be relegated to the monasteries and theological schools whence they came.

The question of Girard's Will and Girard College Theology will not down. It is one that interests the whole world, and, though these hasty papers may make but a feeble impression upon those who now manage the chapel, the Sunday preaching, and the *Manual*, the time will certainly come when another "notable case" will be heard in the Supreme Court of the United States—not to break Girard's Will, but to determine whether the present Directors are not shamefully betraying a *sacred trust* in teaching sectarian religious tenets in spite of Girard's requirements and the decision of the Court in 1844. We would not check the good work of the College. We would make it more useful, administer it more economically, and increase the number of its beneficiaries, and at the same time make its management in all things strictly conformable to the requirements of the Founder's Will. To pursue the present policy is a greater evil to the world at large and in the long run than it would be to raze the grand buildings to the ground, so that one stone shall not remain on top of another.

V.

SOME POINTS IN THE CASE.

I. It has been judicially settled by the Supreme Court of the United States for nearly half a century that there is nothing in the Will of Stephen Girard derogatory and hostile to the Christian religion, and nothing against the common law and public policy of the State of Pennsylvania, as was alleged in the attempt to break it. He had a legal right to exclude professional teachers of religion from his College, and to limit the instruction to the "purest principles of morality," proscribing the inculcation of "religious tenets." That this was the intention of the testator there can be no doubt, as it is so clearly expressed in his Will and so fully accords with his whole life and well-known rationalistic principles.

II. The plea of Daniel Webster, as reported in the *Girard Will Case* (considered by many the weakest effort of his entire professional life), claimed that Christianity is part of the common law of Pennsylvania. Chief-Justice Story held that this is not strictly true, and that the claim is materially modified by the Bill of Rights. He said of this bill: "It must have been intended to extend equally to all sects, whether they believe in Christianity or not, and whether they are Jews or infidels." This is not a Christian country by any authority of law. It is *un*-Christian, but not *anti*-Christian. It tolerates all forms of *belief* and *disbelief*, but favors the purest principles of morality.

III. While Girard in his Will does not recommend the Bible or any other book regarded as sacred, nor Christianity or any other system of religious faith, he does insist upon having moral men for instructors, and that they shall teach the orphan boys "the purest principles of morality, so that on their entrance into active life they may from inclination and habit evince benevolence toward their fellow-creatures and a love of truth, sobriety, and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer." It is clearly the legal right of the Directors to teach the purest principles of morality found in the Bible and in Christianity, and in all other books and religions, but when they teach "*religious tenets*," as they certainly do in the Manual which they have authorized, and which is now in use in the chapel, they openly antagonize the expressed intention of the Founder and violate a most sacred *trust*. This is the *gist* of the whole matter.

IV. The Directors have admitted what Justice Story well said, that it was the intention of Girard "*to exclude sectarians and sectarianism.*" Yet who can truthfully deny that the Manual which they have authorized is unequivocally a *sectarian* book—*full* of "religious tenets" on which many of those "professing and calling themselves Christians" are openly divided? The fact is, that the distinctive dogmas of the Manual are the very ones which are well known to be the "clashing doctrines" over which "sectarian controversy" between the "multitude of sects" has been raging for more than a thousand years, and is now fiercely raging. This storm Girard was anxious to keep out of his College, so as not to distract and preoccupy the tender minds of the orphans during their pupilage.

V. It should not be overlooked that Girard did not intend to establish a distinctively *Christian* institution, as there is nothing in his Will to authorize any discrimination in favor of Christianity as against or to the disparagement of any other religious sect. Christianity is only one of many faiths, and under the conditions of the Will the Directors have no more right to teach the religious tenets of Christianity than of Judaism—no more right to maintain a Christian chapel than a Jewish synagogue. Girard was neither a Roman Catholic nor an orthodox Protestant. He did not even profess Christianity, and the names of four of his ships, and many other well-known facts, indicate that the trend of his thoughts was in a very different direction. The Directors have no right to teach the orphans even those religious tenets in which all Christians agree (if, indeed, there be such), any more than to teach those tenets in which all Hebrews agree. The teaching of all religious tenets is expressly proscribed.

The teaching must be limited to the purest principles of *morality*. The latter, as has been shown, are not peculiar to Christianity, but were well known and clearly taught long before the Christian era.

VI. The allegation is often made, and accepted by many, that the United States Supreme Court decided that inasmuch as Girard required that the purest principles of morality should be taught in his College, and that since these are only found in the Bible, and especially in the New Testament, it became a logical necessity for the Directors to do just what they have done. The assumptions in this declaration are not true. The Bible is not the only book that teaches the purest principles of morality. Indeed, there are many things in both the Old and the New Testaments which are not only defective in morality, but, many think, are highly *immoral*. It is not true that the court has admitted, much less *decided*, that the Bible should be used in Girard College as a textbook. This question was never before the court, and so could not have been *decided*.

Judge Story made certain interrogative suggestions about "reading the Bible without note or comment" and "a work not sectarian on the evidences of Christianity," and said "there is nothing in the Will that proscribes such studies;" but it is not logical to infer that because a thing is not proscribed it is therefore authorized. The *Koran*, the *Zend Avesta*, and the *Vedas* are not proscribed, but are they therefore authorized? The fact is, that the Directors may at discretion use in the College any book which teaches the purest principles of morality, Jewish, Mohammedan, or pagan; but the use of a book as a textbook in *morality* is a very different thing from teaching the *religious tenets* it is supposed to contain. Horace Binney, though defending the Will, admitted that the Bible could not be used in the College as a point of union for every one, because all denominations do not adopt the same canon, or even the same translation, and do not concur in the elements of Christian belief or in any summary of them for the instruction of children. As soon as the Directors attempt to teach *religious dogmas* they involve themselves in trouble, because there is no general agreement as to these; but as to the fundamental principles of *morality* there is a consensus, including all ages, all countries, and all peoples. It is religious tenets that are proscribed in Girard's Will, not moral principles and maxims. In the Girard chapel Manual we find much of the former, but very little of the latter.

VII. It is evident that Girard never intended that there should ever be any other moral instruction in his College than what should be given *by* the instructors in the regular course of training *in* the College. He requires in his Will that the instructors, teachers, and assistants shall be persons of "*established moral character*," chosen on account of their merit. He further says: "My desire is that *all the instructors and teachers in the College shall take pains to instill* into the minds of the scholars the purest principles of morality," etc., clearly showing that he never intended to have the orphans brought under the influence of any outside and promiscuous *moral* (not to say *religious*) instruction. This was plainly his object in excluding in such emphatic and comprehensive language all ecclesiastics and professional teachers of religion from the College and its premises. He never could have suspected that any persons would be guilty of the *quibble* of arranging to have done by *laymen* what he expressly forbid to be done by *clergymen*. It was the *thing* that he proscribed, not the *persons* who should do it. The substitution of *lay preachers* in the chapel service for *ordained ministers* is a *pious fraud*, in the estimation of many, of which honorable men should be ashamed.

VIII. Since Girard undoubtedly intended that all the *moral* instruction of his orphan beneficiaries should be given by the regularly commissioned and paid instructors *in* the College, it is very important that the qualifications of these agents should be carefully considered and the subject-matter of their moral lessons duly supervised. They should be required upon entering upon their office to take a solemn obligation that they will not teach anything contrary to Girard's requirements in his Will; and this pledge should be renewed publicly from time to time after the manner and usage of the leading orthodox theological seminaries.

If the principle of fidelity to a trust is a correct one as applied to the doctrinal teaching in theological seminaries and Church colleges, it is equally binding upon the trustees and teachers in Girard College.

IX. The present arrangement for the appointment of twelve Directors of Girard College for life by the judges of the Court of Common Pleas, who only serve for a limited time, is clearly a policy never contemplated by the Founder. It takes away from the "*citizens*" of Philadelphia the right to more directly "observe and evince special care and anxiety in selecting members of their City Councils and other agents," as Girard confidently hoped they would do. This is a matter worthy of consideration, as it is not in consonance with the evident intentions of the Founder; and it may be a proper question whether the courts, or even the legislature, have a legal right to disregard the conditions upon which the magnificent bequest was made and accepted. Certain it is that the "citizens" of Philadelphia have been shamelessly indifferent and neglectful as to the management of Girard College, especially in regard to the matter of *moral instruction.* It is not the question whether the present policy is the wiser and better one, but is it *the* one contemplated by Girard as expressed in his Will?

X. If there is anything in the language of Justice Story which by implication seems to favor the present policy of the Directors of the College, it is of no legal consequence. All lawyers know the difference between the suggestions and interrogations made by a judge in pronouncing an opinion and the final decision itself. It is the decree of the court upon the point or *points at issue* which is of binding force. A judicial decision may for ever stand as sound law without accepting the incidental admissions and suggestions expressed in pronouncing the opinion of the court. But the highest courts are not infallible, and often find reason for reversing their own decisions as well as those of inferior courts. The one principal thing settled by the Supreme Court of the United States is, that there are no unlawful provisions in Girard's Will, and the logical conclusion follows that the trustees are solemnly bound to obey them.

CONCLUSION.

There are other "points" which might here be raised, some of which are suggested in the preceding lectures, but which are purposely omitted here, as they are of a technical and *legal* character, to be considered by the courts rather than by the public. If the writer succeeds in *waking up* the people, or even the Board of City Trusts, he will have accomplished his main object. It is a settled conviction in his own mind that the Manual now in use in the chapel of Girard College should be excluded at once and for ever, and that the Sunday church services and lay preaching by an outside and irresponsible corps of religionists in the College chapel should be discontinued, as a violation of the Founder's intentions, and as not being best calculated or adapted to promote "*the purest principles of morality.*"

The writer has very decided convictions as to the method in which Girard's object could be better secured, but this subject cannot here and now be discussed. It may receive attention hereafter.

APPENDIX.

THE WILL

OF THE LATE

STEPHEN GIRARD.

I, Stephen Girard, of the City of Philadelphia, in the Commonwealth of Pennsylvania, Mariner and Merchant, being of sound mind, memory and understanding, do make and publish this my last Will and Testament, in manner following: that is to say—

I. I give and bequeath unto "The Contributors to the Pennsylvania Hospital," of which Corporation I am a member, the sum of *Thirty Thousand Dollars*, upon the following conditions, namely, that the said sum shall be added to their Capital, and shall remain a part thereof forever, to be placed at interest, and the interest thereof to be applied, *in the first place*, to pay to my black woman Hannah (to whom I hereby give her freedom,) the sum of two hundred dollars per year, in quarterly payments of fifty dollars each in advance, during all the term of her life; and, *in the second place*, the said interest to be applied to the use and accommodation of the sick in the said Hospital, and for providing, and at all times having competent matrons, and a sufficient number of nurses and assistant nurses, in order not only to promote the purposes of the said Hospital, but to increase this last class of useful persons, much wanted in our city.

II. I give and bequeath to "The Pennsylvania Institution for the Deaf and Dumb," the sum of *Twenty Thousand Dollars*, for the use of that Institution.

III. I give and bequeath to "The Orphan Asylum of Philadelphia," the sum of *Ten Thousand Dollars*, for the use of that Institution.

IV. I give and bequeath to "The Comptrollers of the Public Schools for the City and County of Philadelphia," the sum of *Ten Thousand Dollars*, for the use of the Schools upon the Lancaster system, in the first section of the first school district of Pennsylvania.

V. I give and bequeath to "the Mayor, Aldermen and Citizens of Philadelphia," the sum of *Ten Thousand Dollars*, in trust safely to invest the same in some productive fund, and with the interest and dividends arising therefrom to purchase fuel, between the months of March and August in every year forever, and in the month of January in every year forever distribute the same amongst poor white house-keepers and room-keepers, of good character, residing in the City of Philadelphia.

VI. I give and bequeath to the Society for the relief of poor and distressed Masters of Ships, their Widows and Children, (of which Society I am a member) the sum of *Ten Thousand Dollars*, to be added to their Capital stock, for the uses and purposes of said Society.

VII. I give and bequeath to the gentlemen who shall be Trustees of the Masonic Loan, at the time of my decease, the sum of *Twenty Thousand Dollars*, including therein ten thousand and nine hundred dollars due to me, part of the Masonic Loan, and any interest that may be due thereon at the time of my decease, in trust for the use and benefit of "The Grand Lodge of Pennsylvania, and Masonic Jurisdiction thereto belonging," and to be paid over by said Trustees to the said Grand Lodge, for the purpose of being invested in some safe stock or funds, or other good security, and the dividends and interest arising therefrom to be again so invested and added to the Capital, without applying any part thereof to any other purpose, until the whole capital shall amount to thirty thousand dollars, when the same shall forever after remain a permanent fund or Capital, of the said amount of thirty thousand dollars, the interest whereof shall be applied from time to time to the relief of poor and respectable brethren; and in order that the real and benevolent purposes of masonic institutions may be attained, I recommend to the several lodges not to admit to membership, or to receive members from other lodges, unless the applicants shall absolutely be men of sound and good morals.

VIII. I give and bequeath unto Peter Peltz, John Lentz, Francis Hesley, Jacob Baker and Adam Young, of Passyunk township, in the County of Philadelphia, the sum of *Six Thousand Dollars*, in trust, that they or the survivors or survivor of them shall purchase a suitable piece of ground, as near as may be in the centre of said township, and thereon erect a substantial brick building, sufficiently large for a school-house and the residence of a schoolmaster, one part thereof for poor male white children, and the other part for poor female white children of said township; and as soon as the said school-house shall have been built, that the said trustees or the survivors or survivor of them, shall convey the said piece of ground and house thereon erected, and shall pay over such balance of said sum as may remain unexpended to any board of directors and their successors, in trust, which may at the time exist or be by law constituted, consisting of at least twelve discreet inhabitants of the said township, and to be annually chosen by the inhabitants thereof; the said piece of ground and house to be carefully maintained by said directors and their successors solely for the purposes of a school as aforesaid, forever, and the said balance to be securely invested as a permanent fund, the interest thereof to be applied from time to time towards the education in the said school of any number of such poor white children of said township; and I do hereby recommend to the citizens of said township to make additions to the fund whereof I have laid the foundation.

IX. I give and devise my house, and lot of ground thereto belonging, situate in rue Ramouet aux Chartrons, near the city of Bordeaux, in France, and the rents, issues, and profits thereof, to my brother, Etienne Girard, and my niece Victoire Fenellon, (daughter of my late sister Sophia Girard Capayron,) (both residing in France,) in equal moieties for the life of my said brother, and, on his decease, one moiety of the said house and lot to my said niece Victoire, and her heirs forever, and the other moiety to the six children of my said brother, namely, John Fabricius, Marguerite, Ann Henriette, Jean August, Marie, and Madelaine Henriette, share and share alike, (the issue of any deceased child, if more than one, to take amongst them the parent's share) and their heirs forever.

X. I give and bequeath to my said brother, Etienne Girard, the sum of *Five Thousand Dollars*, and the like sum of *Five Thousand Dollars* to each of his six children above named; if any of the said children shall die prior to the receipt of his or her legacy of five thousand dollars, the said sum shall be paid, and I give and bequeath the same to any issue of such deceased child, if more than one, share and share alike.

XI. I give and bequeath absolutely to my said niece, Victoire Fenellon, the sum of *Five Thousand Dollars*.

XII. I give and bequeath absolutely to my niece, Antoinetta, now married to Mr. Hemphill, the sum of *Ten Thousand Dollars*, and I also give and bequeath to her the sum of *Fifty Thousand Dollars*, to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said sum of fifty thousand dollars upon good security, and pay the interest and dividends thereof as they shall from time to time accrue, to my said niece for her separate use, during the term of her life, and from and immediately after her decease, to pay and distribute the capital to and among such of her children and the issue of deceased children, and in such parts and shares as she the said Antoinetta, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint, and for default of such appointment, then to and among the said children and issue of deceased children in equal shares, such issue of deceased children, if more than one, to take only the share which their deceased parent would have taken if living.

XIII. I give and bequeath unto my niece Carolina, now married to Mr. Haslam, the sum of *Ten Thousand Dollars;* to be paid over to a trustee or trustees to be appointed by my executors, which trustee or trustees shall place and continue the said money upon good security, and pay the interest and dividends thereof from time to time as they shall accrue, to my said niece, for her separate use, during the term of her life; and from and immediately after her decease, to pay and distribute the capital to and among such of her children, and issue of deceased children, and in such parts and shares, as she the said Carolina, by any instrument under her hand and seal, executed in the presence of at least two credible witnesses, shall direct and appoint, and for default of such appointment, then to and among the said children, and issue of deceased children, in equal shares, such issue of deceased children, if more than one, to take only the share which the deceased parent would have taken if living; but if my niece Carolina shall leave no issue, then the said trustee or trustees, on her decease, shall pay the said capital, and any interest accrued thereon, to and among Caroline Lallemand (niece of the said Carolina,) and the children of the aforesaid Antoinetta Hemphill, share and share alike.

XIV. I give and bequeath to my niece Henrietta, now married to Dr. Clark, the sum of *Ten Thousand Dollars;* and I give and bequeath to her daughter Caroline, (in the last clause above named,) the sum of *Twenty Thousand Dollars*—the interest of the said sum of twenty thousand dollars, or so much thereof as may be necessary, to be applied to the maintenance and education of the said Caroline during her minority, and the principal, with any accumulated interest, to be paid to the said Caroline on her arrival at the age of twenty-one years.

XV. Unto each of the Captains who shall be in my employment at the time of my decease, either in port, or at sea, having charge of one of my ships or vessels, and having performed at least two voyages in my service, I give and bequeath the sum of *Fifteen Hundred Dollars*—provided he shall have brought safely into the port of Philadelphia, or if at sea at the time of my decease, shall bring safely into that port, my ship or vessel last entrusted to him, and also that his conduct during the last voyage shall have been in every respect conformable to my instructions to him.

XVI. All persons, who, at the time of my decease, shall be bound to me by indenture, as apprentices or servants, and who shall then be under age, I direct my executors to assign to suitable masters immediately after my decease, for the remainder of their respective terms, on conditions as favorable as they can in regard to education, clothing and freedom dues; to each of said persons in my service, and under age at the time of my decease, I give and bequeath the sum of *Five Hundred Dollars*, which sums respectively I direct my executors safely to invest in public stock, to apply the interest and dividends thereof, towards the education of the several apprentices or servants, for whom the capital is given respectively, and at the termination of the apprenticeship or service of each, to pay him or her the said sum of five hundred dollars, and any interest accrued thereon, if any such interest shall remain unexpended; in assigning any indenture, preference shall be given to the mother, father, or next relation as assignee, should such mother, father, or relative desire it, and be at the same time respectable and competent,

XVII. I give and bequeath to Francis Hesley (son of Mrs. S. Hesley, who is mother of Marianne Hesley,) the sum of *One Thousand Dollars*, over and above such sum as may be due to him at my decease.

XVIII. I charge my real estate in the State of Pennsylvania with the payment of the several annuities or sums following, (the said annuities to be paid by the Treasurer or other proper officers of the City of Philadelphia, appointed by the Corporation thereof for the purpose, out of the rents and profits of said real estate hereinafter directed to be kept constantly rented,) namely:—

1st. I give and bequeath to Mrs. Elizabeth Ingersoll, widow of Jared Ingersoll, Esq., late of the City of Philadelphia, Counsellor at law, an annuity, or yearly sum of *One Thousand Dollars*, to be paid in half-yearly payments, in advance, of five hundred dollars each, during her life.

2d. I give and bequeath to Mrs. Catharine Girard, now widow of Mr. J. B. Hoskins, who died in the Isle of France, an annuity, or yearly sum of *Four Hundred Dollars*, to be paid in half-yearly payments, in advance, of two hundred dollars each, during her life.

3d. I give and bequeath to Mrs. Jane Taylor, my present house-keeper, (the widow of the late Captain Alexander Taylor, who was master of my ship Helvetius, and died in my employment,) an annuity, or yearly sum of *Five Hundred Dollars*, to paid in half-yearly payments, in advance, of two hundred and fifty dollars each, during her life.

4th. I give and bequeath to Mrs. S. Hesley, my house-keeper at my place in Passyunk Township, an annuity, or yearly sum of *Five Hundred Dollars*, to be paid in half-yearly payments, in advance, of two hundred and fifty dollars each, during her life.

5th. I give and bequeath to Marianne Hesley, daughter of Mrs. S. Hesley, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid to her mother, for her use, in half-yearly payments, in advance, of one hundred and fifty dollars each, until the same Marianne shall have attained the age of twenty-one years, when the said annuity shall cease, and the said Marianne will receive the five hundred dollars given to her and other indented persons, according to clause XVI of this Will.

6th. I give and bequeath to my late house-keeper, Mary Kenton, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

7th. I give and bequeath to Mrs. Deborah Scott, sister of Mary Kenton, and wife of Mr. Edwin T. Scott, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

8th. I give and bequeath to Mrs. Catharine M'Laren, sister of Mary Kenton, and wife of Mr. M'Laren, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

9th. I give and bequeath to Mrs. Amelia G. Taylor, wife of Mr. Richard M. Taylor, an annuity, or yearly sum of *Three Hundred Dollars*, to be paid in half-yearly payments, in advance, of one hundred and fifty dollars each, during her life.

XIX. All that part of my real and personal estate, near Washita, in the State of Louisiana, the said real estate consisting of upwards of two hundred and eight thousand arpens, or acres of land, and including therein the settlement hereinafter mentioned, I give, devise and bequeath, as follows, namely: 1. I give, devise and bequeath to the Corporation of the City of New Orleans, their successors and assigns, all that part of my real estate, constituting the settlement formed on my behalf by my particular friend, Judge Henry Bree, of Washita, consisting of upwards of one thousand arpens, or acres of land, with the appurtenances and improvements thereon, and also all the personal estate thereto belonging, and thereon remaining, including upwards of thirty slaves now on said settlement, and their increase, in trust, however, and subject to the following reservations.[1] * * *

2. I give, devise, and bequeath to the Mayor, Aldermen and Citizens of Philadelphia, their successors and assigns, two undivided third parts of all the rest and residue of my said real estate, being the lands unimproved near Washita, in the said State of Louisiana, in trust, that, in common with the Corporation of the City of New Orleans, they shall pay the taxes on the said lands, and preserve them from waste or intrusion, for the term of ten years from and after my decease, and at the end of the said term, when they shall deem it advisable to do so, shall sell and dispose of their interest in said lands gradually from time to time, and apply the proceeds of such sales to the same uses and purposes hereinafter declared and directed, of and concerning the residue of my personal estate.

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[1] Paragraph omitted, as not of public interest.

3. And I give, devise, and bequeath to the Corporation of the City of New Orleans, their successors and assigns, the remaining one undivided third part of the said lands, in trust, in common with the Mayor, Aldermen and Citizens of Philadelphia, to pay the taxes on the said lands, and preserve them from waste and intrusion, for the term of ten years from and after my decease, and, at the end of the said term, when they shall deem it advisable to do so, to sell and dispose of their interest in said lands gradually from time to time, and to apply the proceeds of such sale to such uses and purposes as the said Corporation may consider most likely to promote the health and general prosperity of the inhabitants of the City of New Orleans.

XX. And, whereas, I have been for a long time impressed with the importance of educating the poor, and of placing them, by the early cultivation of their minds and the development of their moral principles, above the many temptations to which, through poverty and ignorance, they are exposed; and I am particularly desirous to provide for such a number of poor male white orphan children, as can be trained in one institution, a better education, as well as a more comfortable maintenance, than they usually receive from the application of the public funds: and whereas, together with the object just adverted to, I have sincerely at heart the welfare of the city of Philadelphia, and, as a part of it, am desirous to improve the neighborhood of the river Delaware, so that the health of the citizens may be promoted and preserved, and that the eastern part of the city may be made to correspond better with the interior. Now, I do give, devise and bequeath *all the residue and remainder of my real and personal estate* of every sort and kind wheresoever situate, (the real estate in Pennsylvania charged as aforesaid) unto "the Mayor, Aldermen and Citizens of Philadelphia," their successors, and assigns, in trust, to and for the several uses, intents and purposes hereinafter mentioned and declared of and concerning the same, that is to say: so far as regards my real estate in Pennsylvania, in trust, that no part thereof shall ever be sold or alienated by the said Mayor, Aldermen and Citizens of Philadelphia, or their successors, but the same shall forever thereafter be let from time to time, to good tenants, at yearly or other rents, and upon leases in possession not exceeding five years from the commencement thereof, and that the rents, issues and profits arising therefrom, shall be applied towards keeping that part of the said real estate situate in the city and liberties of Philadelphia constantly in good repair, (parts elsewhere situate to be kept in repair by the tenants thereof respectively) and towards improving the same, whenever necessary, by erecting new buildings; and that the nett residue (after paying the several annuities herein before provided for,) be applied to the same uses and purposes as are herein declared of and concerning the residue of my personal estate: and so far as regards my real estate in Kentucky, now under the care of Messrs. Triplett & Brumley, in trust, to sell and dispose of the same, whenever it may be expedient to do so, and to apply the proceeds of such sale to the same uses and purposes as are herein declared of and concerning the residue of my personal estate.

XXI. And so far as regards the residue of my personal estate, in trust, as to *two millions of dollars*, part thereof, to apply and expend so much of that sum as may be necessary, in erecting, as soon as practicably may be, in the centre of my square of ground between High and Chestnut streets, and Eleventh and Twelfth streets[1] in the city of Philadelphia, (which square of ground I hereby devote for the purposes hereinafter stated, and for no other, forever,) a permanent college, with suitable outbuildings, sufficiently spacious for the residence and accommodation of at least three hundred scholars, and the requisite teachers and other persons necessary in such an institution as I direct to be established, and in supplying the said college and outbuildings with decent and suitable furniture, as well as books and all things needful to carry into effect my general design.

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[1] Location changed in Codicil.

The said college shall be constructed with the most durable materials, and in the most permanent manner, avoiding needless ornament, and attending chiefly to the strength, convenience, and neatness of the whole.[1] * * *

When the college and appurtenances shall have been constructed, and supplied with plain and suitable furniture and books, philosophical and experimental instruments and apparatus, and all other matters needful to carry my general design into execution, the income, issues and profits of so much of the said sum of two millions of dollars as shall remain unexpended, shall be applied to maintain the said college according to my directions.

1. The institution shall be organized as soon as practicable, and to accomplish the purpose more effectually, due public notice of the intended opening of the college shall be given—so that there may be an opportunity to make selections of competent

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[1] The long and specific details for the construction of the College building omitted.

instructors, and other agents, and those who may have the charge of orphans may be aware of the provisions intended for them.

2. A competent number of instructors, teachers, assistants, and other necessary agents shall be selected, and when needful, their places, from time to time, supplied: they shall receive adequate compensation for their services: but no person shall be employed, who shall not be of tried skill in his or her proper department, of established moral character, and in all cases persons shall be chosen on account of their merit, and not through favor or intrigue.

3. As many poor white male orphans, between the age of six and ten years, as the said income shall be adequate to maintain, shall be introduced into the college as soon as possible; and from time to time, as there may be vacancies, or as increased ability from income may warrant, others shall be introduced.

4. On the application for admission, an accurate statement should be taken in a book, prepared for the purpose, of the name, birth-place, age, health, condition as to relatives, and other particulars useful to be known.

5. No orphan should be admitted until the guardians or directors of the poor, or a proper guardian

or other competent authority, shall have given, by indenture, relinquishment, or otherwise, adequate power to the Mayor, Aldermen and Citizens of Philadelphia, or to directors, or others by them appointed, to enforce, in relation to each orphan, every proper restraint, and to prevent relatives or others from interfering with, or withdrawing such orphan from the institution.

6. Those orphans, for whose admission application shall first be made, shall be first introduced, all other things concurring—and at all future times, priority of application shall entitle the applicant to preference in admission, all other things concurring; but if there shall be at any time, more applicants than vacancies, and the applying orphans shall have been born in different places, a preference shall be given—*first*, to orphans born in the city of Philadelphia; *secondly*, to those born in any other part of Pennsylvania; *thirdly*, to those born in the city of New York (that being the first port on the continent of North America at which I arrived;) and *lastly*, to those born in the city of New Orleans, being the first port on the said continent at which I first traded, in the first instance as first officer, and subsequently as master and part owner of a vessel and cargo.

7. The orphans admitted into the college shall

be there fed with plain but wholesome food, clothed with plain but decent apparel (no distinctive dress ever to be worn) and lodged in a plain but safe manner. Due regard shall be paid to their health, and to this end their persons and clothes shall be kept clean, and they shall have suitable and rational exercise and recreation. They shall be instructed in the various branches of a sound education, comprehending reading, writing, grammar, arithmetic, geography, navigation, surveying, practical mathematics, astronomy; natural, chemical, and experimental philosophy, the French and Spanish languages, (I do not forbid, but I do not recommend the Greek and Latin languages)—and such other learning and science as the capacities of the several scholars may merit or warrant: *I would have them taught facts and things, rather than words or signs: and especially, I desire, that by every proper means a pure attachment to our republican institutions and to the sacred rights of conscience, as guaranteed by our happy constitutions, shall be formed and fostered in the minds of the scholars.*

8. Should it unfortunately happen, that any of the orphans admitted into the college, shall, from malconduct, have become unfit companions for the rest, and mild means of reformation prove abortive, they should no longer remain therein.

9. Those scholars, who shall merit it, shall remain in the college until they shall respectively arrive at between fourteen and eighteen years of age; they shall then be bound out by the Mayor, Aldermen and Citizens of Philadelphia, or under their direction, to suitable occupations, as those of agriculture, navigation, arts, mechanical trades, and manufactures, according to the capacities and acquirements of the scholars respectively, consulting, as far as prudence shall justify it, the inclinations of the several scholars, as to the occupation, art or trade to be learned.

In relation to the organization of the college and its appendages, I leave, necessarily, many details to the Mayor, Aldermen and Citizens of Philadelphia, and their successors; and I do so, with the more confidence, as, from the nature of my bequests, and the benefit to result from them, I trust that my fellow-citizens of Philadelphia, will observe and evince especial care and anxiety in selecting members for their city Councils, and other agents.

There are, however, some *restrictions*, which I consider it my duty to prescribe, and to be, amongst others, *conditions* on which my bequest for said college is made, and to be enjoyed, namely; *first*, I enjoin and require, that if, at the close of any year, the income of the fund devoted to the purposes of the said College shall be more than sufficient for the maintenance of the institution during that year, then the balance of the said income, after defraying such maintenance, shall be forthwith invested in good securities, thereafter to be and remain a part of the capital; but in no event, shall any part of the said capital be sold, disposed of, or pledged, to meet the current expenses of the said institution, to which I devote the interest, income, and dividends thereof, exclusively: *Secondly, I enjoin and require that no ecclesiastic, missionary, or minister of any sect whatsoever, shall ever hold or exercise any station or duty whatever in the said college; nor shall any such person ever be admitted for any purpose, or as a visitor, within the premises appropriated to the purposes of the said college:—In making this restriction, I do not mean to cast any reflection upon any sect or person whatsoever; but, as there is such a multitude of sects, and such a diversity of opinion amongst them, I desire to keep the tender minds of the orphans, who are to derive advantage from this bequest, free from the excitement which clashing doctrines and sectarian controversy are so apt to produce; my desire is, that all the instructors and teachers in the college shall take pains to instil into the minds of the scholars the purest principles of morality, so that on their entrance into active life, they may from inclination and habit,* *evince benevolence towards their fellow-creatures and a love of truth, sobriety, and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer.* If the income, arising from that part of the said sum of two millions of dollars, remaining after the construction and furnishing of the college and outbuildings, shall, owing to the increase of the number of orphans applying for admission, or other cause, be inadequate to the construction of new buildings, or the maintenance and education of as many orphans as may apply for admission, then such further sum as may be necessary for the construction of new buildings and the maintenance and education of such further number of orphans, as can be maintained and instructed within such buildings as the said square of ground shall be adequate to, shall be taken from the final residuary fund hereinafter expressly referred to for the purpose, comprehending the income of my real estate in the city and county of Philadelphia, and the dividends of my stock in the Schuylkill Navigation Company—my design and desire being, that the benefits of said institution shall be extended to as great a number of orphans as the limits of the said square and buildings therein can accommodate.

XXII. (This clause relates to the bequest of $500,000 for the improvement of Philadelphia.)

XXIII. (This clause relates to the $300,000 given to Pennsylvania.)

XXIV. And as it regards *the remainder of said residue* of my personal estate, in trust, to invest the same in good securities, and in like manner to invest the interest and income thereof, from time to time, so that the whole shall form a permanent fund; and to apply the income of the said fund,

1st. To the further improvement and maintenance of the aforesaid College, as directed in the last paragraph of the XXIst clause of this Will.

2d. To enable the Corporation of the city of Philadelphia to provide more effectually than they now do, for the security of the persons and property of the inhabitants of the said city, by a competent police, including a sufficient number of watchmen, really suited to the purpose: and to this end, I recommend a division of the city into watch districts, or four parts, each under a proper head, and that at least two watchmen shall, in each round or station, patrol together.

3d. To enable the said Corporation to improve the city property, and the general appearance of the city itself, and, in effect, to diminish the burden of taxation, now most oppressive, especially on those who are the least able to bear it:—

To all which objects, the prosperity of the city, and the health and comfort of its inhabitants, I devote the said fund as aforesaid, and direct the income thereof to be applied yearly, and every year forever, after providing for the College as hereinbefore directed, as my primary object. But, if the said City shall knowingly and wilfully violate any of the conditions hereinbefore and hereinafter mentioned, then I give and bequeath the said remainder and accumulations to the Commonwealth of Pennsylvania, for the purpose of internal navigation; excepting, however, the rents, issues and profits of my real estate in the city and county of Philadelphia, which shall forever be reserved and applied to maintain the aforesaid College, in the manner specified in the last paragraph of the XXIst clause of this Will: And if the Commonwealth of Pennsylvania shall fail to apply this or the preceding bequest to the purposes before mentioned, or shall apply any part thereof to any other use, or shall, for the term of one year from the time of my decease, fail or omit to pass the laws hereinbefore specified for promoting the improvement of the city of Philadelphia, then I give, devise and bequeath the said remainder and accumulations (the rents aforesaid always excepted and reserved for the College as aforesaid) to the United States of America, for the purposes of internal navigation, and no other.

Provided, nevertheless, and I do hereby declare, that all the preceding bequests and devises of the residue of my estate to the Mayor, Aldermen and Citizens of Philadelphia, are made upon the following express conditions, that is to say:—*First*, That none of the monies, principal, interest, dividends or rents arising from the said residuary devise and bequest, shall at any time be applied to any other purpose or purposes whatever, than those herein mentioned and appointed; *Second*, That separate accounts, distinct from the other accounts of the Corporation, shall be kept by the said Corporation, concerning the said devise, bequest, College, and funds, and of the investment and application thereof; and that a separate account or accounts of the same shall be kept in bank, not blended with any other account, so that it may at all times appear, on examination by a committee of the legislature, as hereinafter mentioned, that my intentions had been fully complied with: *Third*, That the said Corporation render a detailed account annually, in duplicate, to the Legislature of the Commonwealth of Pennsylvania, at the commencement of the session, one copy for the Senate, and the other for the House of Representatives, concerning the said devised and bequeathed estate, and the investment and application of the same, and also a report in like manner of the state of the said college, and shall submit all their books, papers, and accounts touching the same, to a committee or committees of the Legislature for examination, when the same shall be required.

4th. The said Corporation shall also cause to be published in the month of January, annually, in two or more newspapers printed in the city of Philadelphia, a concise but plain account of the state of the trusts, devises and bequests herein declared and made, comprehending the condition of the said college, the number of scholars, and other particulars needful to be publicly known, for the year next preceding the said month of January, annually.

XXV. (This clause relates to the closing up of the affairs of his bank.)

XXVI. Lastly, I do hereby nominate and appoint Timothy Paxson, Thomas P. Cope, Joseph Roberts, William J. Duane, and John A. Barclay, executors of this my last Will and Testament: I recommend to them to close the concerns of my estate as expeditiously as possible, and to see that my intentions in respect to the residue of my estate are and shall be strictly complied with: and I do hereby revoke all other Wills by me heretofore made.

In witness, I, the said Stephen Girard, have to this my last Will and Testament, contained in thirty-five pages, set my hand at the bottom of each page, and my hand and seal at the bottom of this page; the said Will executed, from motives of prudence, in duplicate, this sixteenth day of February, in the year one thousand eight hundred and thirty.

STEPHEN GIRARD. [SEAL.]

Signed, sealed, published, and declared by the said Stephen Girard, as and for his last Will and Testament, in the presence of us, who have at his request hereunto subscribed our names as witnesses thereto, in the presence of the said Testator, and of each other, Feb. 16, 1830.

JOHN H. IRWIN,
SAMUEL ARTHUR,
S. H. CARPENTER.

NOTE.—Mr. Girard made two codicils to his Will—the *first*, dated December 25, 1830, relating to the recent purchase of certain real estate; and the *second*, dated June 20, 1831, relating to the purchase of the large estate where the College now stands, and changing the location of the latter from the place first selected and mentioned in his Will.

OPINION.

Supreme Court of the United States.

January Term, 1844.

Françoise Fenelon Vidal, John Fabricius Girard & al., Citizens and subjects of the Monarchy of France, and Henry Stump, Appellants,

vs.

The Mayor, Aldermen and Citizens of Philadelphia, and the Executors of Stephen Girard, deceased, & al., Appellees.

On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

Mr. Justice Story delivered the opinion of the Court.

(The greater part of this *Opinion* relates to the law of trusts and other legal questions having no connection with the matter to which this book relates, and is therefore omitted here.)

The Court says: "The case, then, according to our judgment, is completely closed in by the principles and authorities already mentioned, and is that of a valid charity in Pennsylvania, unless it is rendered void by the remaining objection which has been taken to it.

"This objection is, that the foundation of the College upon the principles and exclusions prescribed by the Testator is derogatory and hostile to the Christian religion, and so is void, as being against the common law and public policy of Pennsylvania, and this for two reasons; first, because of the exclusion of all Ecclesiastics, Missionaries and Ministers of any sect from holding or exercising any station or duty in the College, or even visiting the same; and secondly, because it limits the instruction to be given to the scholars to pure morality, and general benevolence, and love of truth, sobriety and industry, thereby excluding by implication all instruction in the Christian Religion.

"In considering this objection, the Court are not at liberty to travel out of the Record in order to ascertain what were the private religious opinions of the Testator, of which, indeed, we can know nothing, nor to consider whether the scheme of education by him prescribed is such as we ourselves should approve, or as is best adapted to accomplish the great aims and ends of education. Nor are we at liberty to look at general considerations of the supposed public interest and policy of Pennsylvania upon this subject, beyond what its Constitution and laws and judicial decisions make known to us. The question, what is the public policy of a State, and what is contrary to it, if enquired into beyond these limits, will be found to be one of great vagueness and uncertainty, and to involve discussions which scarcely come within the range of judicial duty and functions, and upon which men may, and will, complexionally differ. Above all, when that topic is connected with religious policy, in a country composed of such a variety of religious sects as our country, it is impossible not to feel that it would be attended with almost insuperable difficulties, and involve differences of opinion almost endless in their variety. We disclaim any right to enter upon such examinations, beyond what the State Constitutions and laws and decisions necessarily bring before us.

"It is also said, and truly, that the Christian religion is a part of the common law of Pennsylvania; but this proposition is to be received with its appropriate qualifications, and in connection with the Bill of Rights of that State, as found in its Constitution of government. The Constitution of 1790 (and the like provision will, in substance, be found in the Constitution of 1776, and in the existing Constitution of 1838) expressly declares, 'That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience; and no preference shall ever be given, by law, to any religious establishments or modes of worship.' Language more comprehensive for the complete protection of every variety of religious opinion could scarcely be used; and it must have been intended to extend equally to all sects, whether they believed in Christianity or not, and whether they were Jews or infidels; so that we are compelled to admit, that although Christianity be a part of the common law of the State, yet it is so in this qualified sense, that its divine origin and truth are admitted, and therefore it is not to be maliciously and openly reviled and blasphemed against, to the annoyance of believers or the injury of the public.

Such was the doctrine of the Supreme Court of Pennsylvania, in Updegraph *vs.* the Commonwealth, 11 Serg. and Rawle, 394.

"It is unnecessary for us, however, to consider what would be the legal effect of a devise in Pennsylvania for the establishment of a school or college for the propagation of Judaism or Deism, or any other form of infidelity. Such a case is not to be presumed to exist in a Christian country; and therefore, it must be made out by clear and indisputable proofs. Remote inferences, or possible results, or speculative tendencies are not to be drawn or adopted for such purposes. There must be plain, positive and express provisions, demonstrating not only that Christianity is not to be taught, but that it is to be impugned or repudiated.

"Now, in the present case, there is no pretence to say, that any such positive or express provisions exist, or are even shadowed forth in the Will. The Testator does not say that Christianity shall not be taught in the College, but only that no ecclesiastic of any sect shall hold or exercise any station or duty in the College. Suppose, instead of this, he had said that no person but a layman shall be an instructor, or officer, or visitor in the College, what legal objection could have been made to such a restriction? And yet the actual prohibition is in effect the same in substance. But it is asked: Why are ecclesiastics excluded, if it is not because they are the stated and appropriate preachers of Christianity? The answer may be given in the very words of the Testator: 'In making this restriction (says he) I do not mean to cast any reflection upon any sect or person whatsoever; but as there is such a multitude of sects, and such a diversity of opinion amongst them, I desire to keep the tender minds of the orphans, who are to derive advantage from this bequest, free from the excitement which clashing doctrines and sectarian controversy are so apt to produce.' Here, then, we have the reason given; and the question is not, whether it is satisfactory to us, nor whether the history of Religion does or does not justify such a sweeping statement; but the question is, whether the exclusion be not such as the Testator had a right, consistently with the laws of Pennsylvania, to maintain, upon his own notions of religious instruction. Suppose the Testator had excluded all religious instructors but Catholics, or Quakers, or Swedenborgians, or, to put a stronger case, he had excluded all religious instructors but Jews, would the bequest have been void on that account? Suppose he had excluded all lawyers, or all physicians, or all merchants from being instructors or visitors, would the prohibition have been fatal to the bequest? The truth is, that in cases of this sort it is extremely difficult to draw any just and satisfactory line of distinction in a free country as to the qualifications or disqualifications which may be insisted upon by the donor of a charity as to those who shall administer or partake of his bounty.

"But the objection itself assumes the proposition that Christianity is not to be taught because ecclesiastics are not to be instructors or officers. But this is by no means a necessary or legitimate inference from the premises. Why may not laymen instruct in the general principles of Christianity, as well as ecclesiastics? There is no restriction as to the religious opinions of the instructors and officers. They may be, and, doubtless under the auspices of the city government, they will always be, men not only distinguished for learning and talent, but for piety, and elevated virtue and holy lives and character. And we cannot overlook the blessings which such men by their conduct as well as their instructions may, nay must, impart to their youthful pupils. Why may not the Bible, and especially the New Testament, without note or comment, be read and taught as a divine revelation in the College—its general precepts expounded, its evidences explained, and its glorious principles of morality inculcated?

What is there to prevent a work, not sectarian, upon the general evidences of Christianity, from being read and taught in the College by lay teachers? Certainly there is nothing in the Will that proscribes such studies. Above all, the Testator positively enjoins, 'That all the instructors and teachers in the College shall take pains to instil into the minds of the scholars the purest principles of morality, so that on their entrance into active life they may, from inclination and habit, evince benevolence toward their fellow-creatures, and a love of truth, sobriety and industry, adopting at the same time such religious tenets as their matured reason may enable them to prefer.' Now it may well be asked, What is there in all this, which is positively enjoined, inconsistent with the spirit or truths of Christianity? Are not these truths all taught by Christianity, although it teaches much more? Where can the purest principles of morality be learned so clearly or so perfectly as from the New Testament? Where are benevolence, the love of truth, sobriety and industry, so powerfully and irresistibly inculcated as in the sacred volume? The Testator has not said how these great principles are to be taught, or by whom, except it be by laymen, nor what books are to be used to explain or enforce them. All that we can gather from his language is, that he desired to exclude sectarians and sectarianism from the College, leaving the instructors and officers free to teach the purest morality, the love of truth, sobriety and industry by all appropriate means; and, of course, including the best, the surest and the most impressive. The objection then, in this view, goes to this, either that the Testator has totally omitted to provide for religious instruction in his scheme of education (which, from what has been already said, is an inadmissible interpretation) or that it includes but partial and imperfect instruction in those truths. In either view, can it be truly said that it contravenes the known law of Pennsylvania upon the subject of charities, or is not allowable under the article of the Bill of Rights already cited? Is an omission to provide for instruction in Christianity in any scheme of school or college education a fatal defect, which avoids it according to the law of Pennsylvania? If the instruction provided for is incomplete and imperfect, is it equally fatal? These questions are propounded because we are not aware that any thing exists in the Constitution or laws of Pennsylvania, or the judicial decisions of its tribunals, which would justify us in pronouncing that such defects would be so fatal. Let us take the case of a charitable donation to teach the poor orphans reading, writing, arithmetic, geography and navigation, and excluding all other studies and instruction; would the donation be void as a charity in Pennsylvania, as being deemed derogatory to Christianity? Hitherto it has been supposed that a charity for the instruction of the poor might be good and valid in England even if it did not go beyond the establishment of a grammar school. And in America it has been thought, in the absence of any express legal prohibitions, that the donor might select the studies as well as the class of persons who were to receive his bounty, without being compellable to make religious instruction a necessary part of those studies. It has hitherto been thought sufficient if he does not require any thing to be taught inconsistent with Christianity.

"Looking to the objection, therefore, in a mere judicial view, which is the only one in which we are at liberty to consider it, we are satisfied that there is nothing in the devise establishing the College, or in the regulations and restrictions contained therein, which are inconsistent with the Christian religion, or are opposed to any known policy of the State of Pennsylvania.

"This view of the whole matter renders it unnecessary for us to examine the other remaining question, to whom, if the devise were void, the property would belong, whether it would fall into the residue of the estate devised to the city or become a resulting trust for the heirs at law.

"Upon the whole, it is the unanimous opinion of the Court that the decree of the Circuit Court of Pennsylvania, dismissing the bill, ought to be affirmed, and it is accordingly affirmed, with costs.

" Test. WM. THO'S. CARROLL,
"*Clerk of Supreme Court U. S.*"

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